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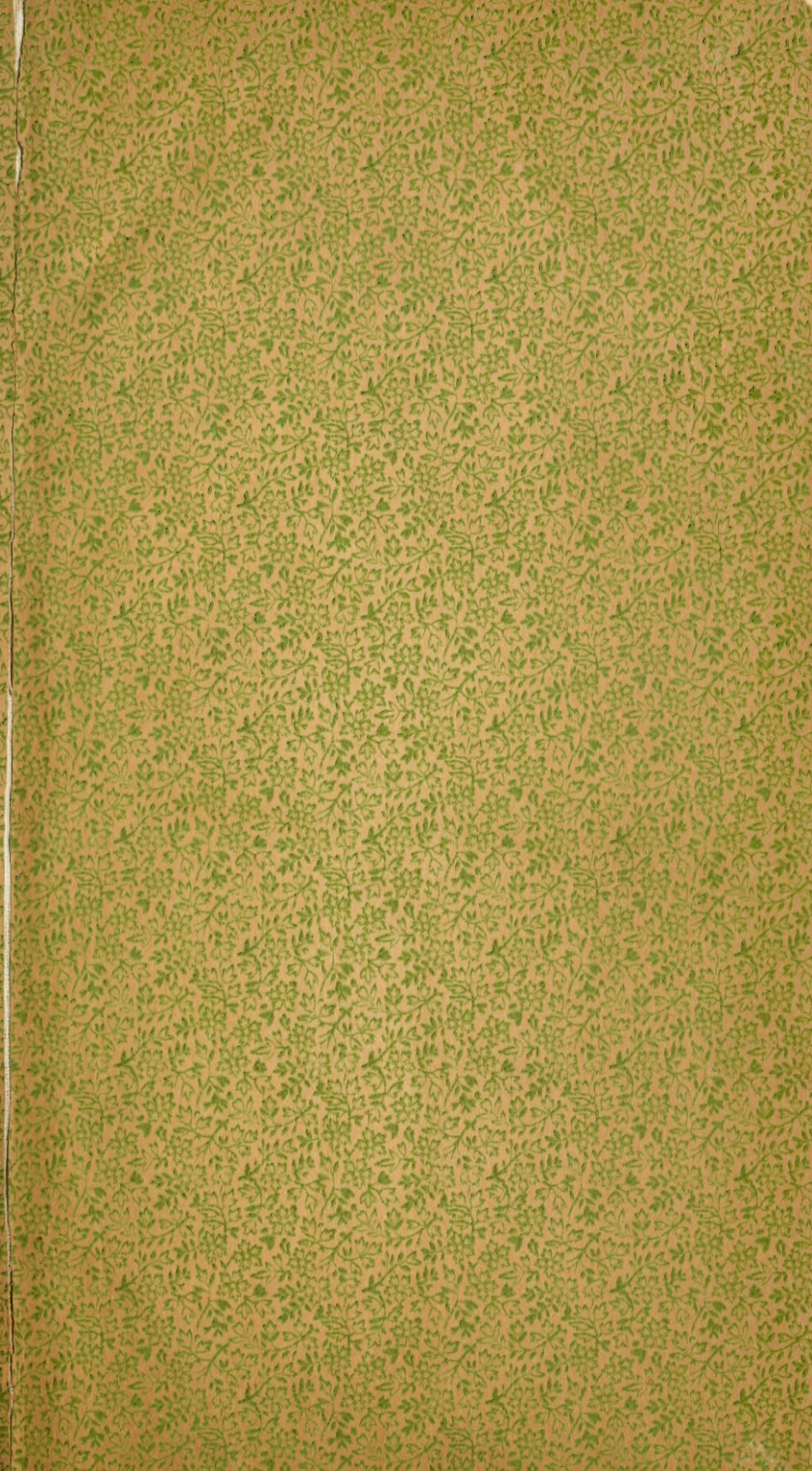
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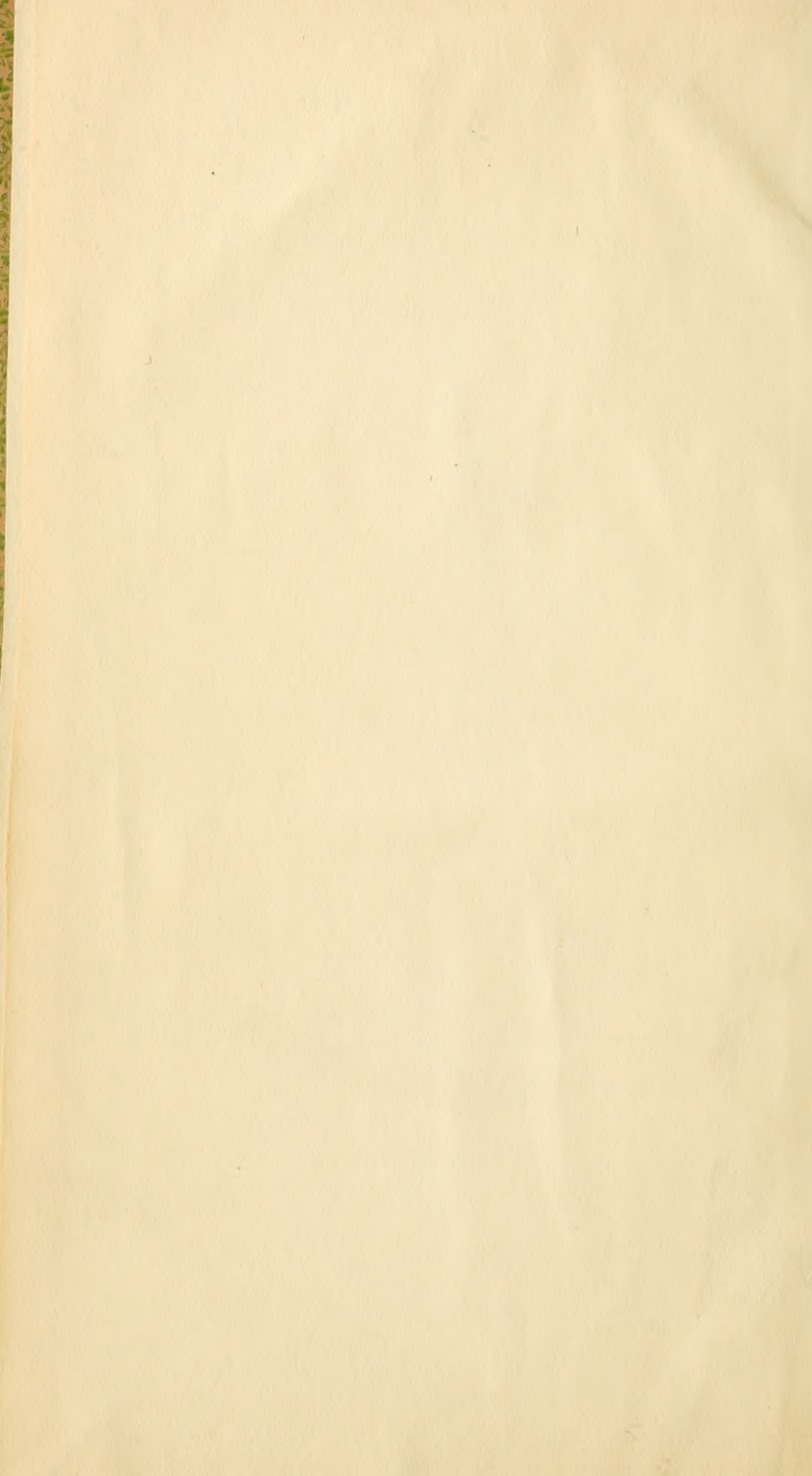




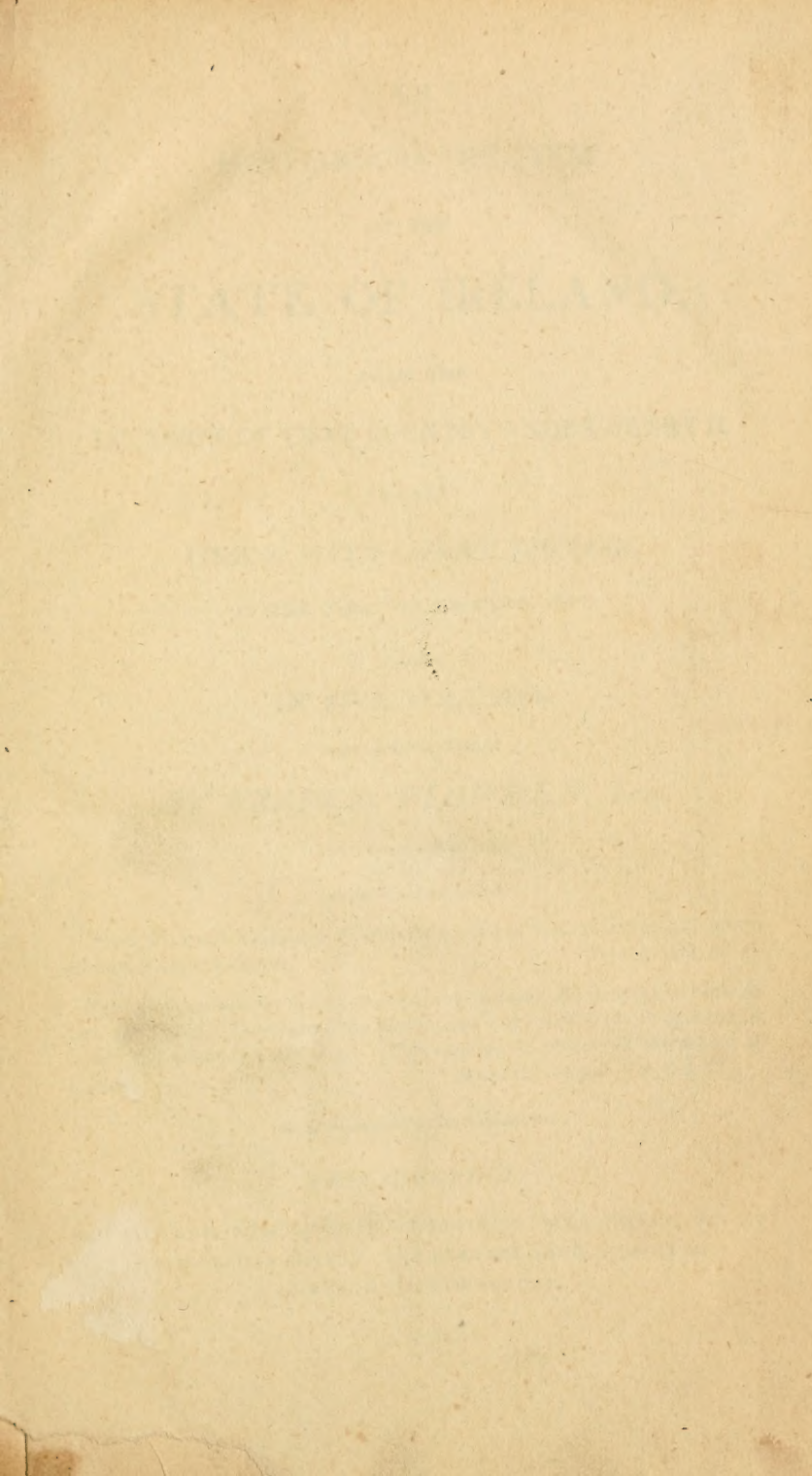
















AN  
HISTORICAL REVIEW  
OF THE  
STATE OF IRELAND,  
FROM THE  
INVASION OF THAT COUNTRY UNDER HENRY II.  
TO ITS

UNION WITH GREAT BRITAIN

ON THE FIRST OF JANUARY 1801.

—  
IN FIVE VOLUMES.

BY FRANCIS PLOWDEN, *Esq.*

—  
VOL. I.  
—

Pauci prudentiâ honesta ab deterioribus, utilia ab noxiis discernunt : plures  
aliorum eventis docentur.

TAC. 4. *Ann.* 33.

Few are qualified by their own reflection to mark the boundaries between  
vice and virtue. To separate the useful from that which leads to destruction  
is not the talent of every man. The example of others is the school of  
wisdom.

MURPHY'S *Trans.* Vol. i. p. 273.

—  
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# CONTENTS

OF THE

## FIRST VOLUME.

### PRELIMINARY CHAPTER.

LELAND's difficulties of writing Irish history impartially, <i>Note</i> - - - - -	PAGE 1
National characteristic of the Irish—Sir John Davie's honourable testimony of Ireland—Camden's prejudices against the Irish— Animadversions of Sir Richard Musgrave on a former publi- cation of the author's, <i>Note</i> - - - - -	3
Marquis Cornwallis disclaims Sir Richard Musgrave's dedica- tion—Leland's description of the Irish - - - - -	4
Great antiquity of the Irish—Gerald Barry's ( <i>Cambrensis</i> )— His misrepresentations of the Irish—Antiquity of the Irish language and arms—The Irish called <i>Scoti</i> or <i>Scythians</i> - - - - -	5
James the First of England boasts his Irish origin—Identity of the Carthaginian and Irish tongue - - - - -	6
Milesian race—The King of Ulster boasts in 1170, of an unin- terrupted succession of 197 kings—Division of the island into four provinces—Provincial kings paying tribute to the supreme monarch - - - - -	7
Meath allotted for the demesne of the monarch and taxes voted for him—The family pride of the Irish even in extreme indi- gence—Cause thereof—Monarchy eligible within the sept and under conditions - - - - -	8
Their original institutions afford motives for union with Great Britain - - - - -	9
The petty kings of districts held under provincial kings as those did under the monarch—Aversion of the old Irish from trade or mechanics, <i>Note</i> —Attachment of the Irish people to their religion as taught by St Patrick - - - - -	10

Each sovereign had his particular order of chivalry, &c.—Apprehensions of resumption unfounded—Falsity of Doctor Borlase's history	11
Nature of Irish gavelkind—The caunfinny or chieftain	12
<i>Tanistry</i> defined—Sir John Davie's report of a case of tanistry—Fostering and intermarriages with the Irish declared treason by statute—Institution of Fes at Teamor or Tarah, or states of Ireland	12
Triennial assemblies by Ollamh Fodhla—Ceremonials, order of precedence, and nature of the business transacted in those assemblies—Early traces of heraldry and authenticity of Irish history—Psalter of Tarah	13 and 14
Ravages of the Danes during the ninth and tenth centuries	14
Annals of Ireland fabulous and why—The private history of Irish families composed by their rhymers and harpers—The Irish held music and poetry in high esteem	15
The bards or poets amongst the ancient Irish acted as heralds, &c. &c.—Irish excel in gymnastic exercises—Agriculture not much attended to by the natives—Account of the bogs in Ireland	15
Ireland superabounds with mines—St. Patrick sent to convert the Irish by Pope Celestine—The Irish church connected with Rome	17
Rapid progress of the Gospel—St. Patrick summoned to assist at the assembly of Tarah—Appointed of the committee of nine to reform the civil history, &c.	18
Seminaries of learning in Ireland according to venerable Bede—King Alfred educated there—Various other testimonies on the same subject—Great hospitality of the Irish	18
Rank of the Irish kingdom acknowledged	20
The Irish remarkable for their love of impartial justice certified by Finglass, Sir John Davies, and Sir Edward Coke	20

## PART THE FIRST.

### CHAPTER I.

BRIEF review of the preceding chapter—Ireland always subject to internal discord	21
Roderick O'Connor elected Monarch—Solicited by O'Rourke to obtain justice of Dermod, King of Leinster—Dermod applies to Henry the second—Pope Adrian's bull—Alexander the Third's bull—Purity of blood a fundamental law, <i>Note</i>	22
Submission of the Irish church to the see of Rome—Usher's re-	



marks—The four archbishops of Ireland receive palls from Cardinal Paparon—Adrian's abuse of his power	22
The Irish resist this mock donation—Dermod applies to Henry in Aquitaine—Returns to Bristol with credentials—Engages Richard, Earl Strongbow and others—Promises his daughter to the earl, the city of Wexford to the other adventurers	23 and 24
Dermod reinstated in his dominions—The personal presence of Henry in Ireland—Massacre of Irish prisoners of war	24
The Irish nation did not oppose the invasion—Some septs did—Effect of the pope's bull upon the Irish clergy—Peace granted by Roderick to Dermod	25
The princes of Munster the first to submit to Henry—Strongbow does homage for Leinster—Meeting of Henry and Roderick on the banks of the Shannon—Treaty of Windsor—Henry acknowledged lord of Ireland—Remonstrance of the Irish presented to Pope John XXII.—Bruce invited from Scotland—The battle of Athenree in 1315	26
The hatred of the Irish to the English not the effect of a difference in religion for 400 years previous to the reformation	28
Henry dispossesses the Irish chieftains	29
Bad consequences of this system—The pale or extent of English dominion	29
The English settlers govern by English laws, the Irish chieftains by their own	29
Policy of England to create divisions—Distinction of English rebels and Irish enemies observed in the statutes of Kilkenny and so far down as the reign of Henry VIII.	30
The union destroys the pernicious effects of a distinction of Irish and English blood—Sir John Davie's opinion of this bad policy—General petition for naturalization presented by the Irish to Edward III.—An insurrection in consequence of a refusal to the petition	31
Reflections of Sir John Davies upon the oppressive government of the English in Ireland—All Ireland prematurely cantoned out between ten English families	31
The English grantees exercise sovereign jurisdiction in Ireland—The natives dwelling upon the granted lands reduced by the grantees to the condition of villeins or slaves	33
The English settlers, according to Sir John Davies, oppose an union with England—The power of making war and peace—Its influence and bad consequences—The killing of a mere Irishman no felony	33
Statutes of <i>Trim</i> obliging the Irish to shave their beards—Statute of Henry VI. 1450 for authorizing and rewarding murder upon mere suspicion without trial	34

Oppressive statutes of Kilkenny quoted by Sir John Davies	35
Coygne and livery or free quarters	36
Thomas, Earl of Desmond in the reign of Edward II. establishes coygne and livery—Doctor Leland's opinion of this custom	37
One continued scene of warfare between the English and Irish for 400 years previous to the reformation	38

## PART THE SECOND.

### CHAPTER I.

#### REIGNS OF HENRY VIII. EDWARD VI. AND QUEEN MARY.

THE 20th of Henry VIII. anno 1528, the beginning of the reformation—Error of attributing the strifes in the state to religious differences	41
Earl of Kildare, lieutenant of Ireland, affects the state of an Irish chieftain—His daughters married to O'Connor and O'Carrol—Effects thereof—Cardinal Wolsey's animosity against Kildare, <i>Note</i>	41
The earl commits the government to his son Lord Thomas when summoned to England—Report of the earl's execution in England occasions a rebellion of the Geraldines—O'Neile and O'Connor submit to the king—Lord Thomas upon a promise of pardon repairs to England, is arrested on the way, sent to the Tower and executed—The five uncles of Lord Thomas treacherously arrested by Lord Gray, sent to England and executed	42
Lord Gerald a younger branch of the Kildare house conveyed to Italy, educated by Cardinal Pole and restored to his blood—Allan, Archbishop of Dublin, his patron Wolsey's agent in the suppression of monasteries—Wolsey's death—Allan's rancour against the Geraldines	43
Master of the Rolls makes a report of the miserable situation of the pale	44
Lord Cromwell sent Brown a reformed Augustine friar into Ireland to be Archbishop of Dublin—Tenacity of the Irish to their ancient religion	45
Cromer, Archbishop of Armagh, refuses to acknowledge the king's supremacy—The king's vicar treated with contempt—Archbishop Browne treated with disdain—Extreme ignorance of the clergy	46
Lord Gray receives a commission to assemble a parliament, 1536—The Irish statutes in matters of Religion copied from	



those of Westminster—The king declared supreme head of the church—Appeals to Rome prohibited—The maintainers of the pope's supremacy made subject to a <i>præmunire</i> —Some monasteries suppressed—All officers required to take the oath of supremacy	47
Marriage with Queen Catharine declared null and the effects thereof—No ecclesiastical preferment granted but to such as spoke the English language—Ordinance respecting the mode of educating the poor	48
Act for the attainder of Earl of Kildare—Mode of introducing the reformation condemned by the Earl of Clare in 1800—Act for preventing two proctors from each diocese attending parliament as formerly	49
Browne's arguments in support of the king's supremacy—Oppressive acts of the parliament	50
Religious persecution a new bond of union among the Irish chieftains	51
Cromer's secret practices against Archbishop Brown—The clergy of Dublin oppose the removal of the images—Several clergymen resign their livings—Lord Gray burns the cathedral of Down and destroys the ancient monuments	52
The Archbishop complains of the difficulties he meets with—O'Neil, O'Brian, &c. rise in arms	53
Henry bestows titles and honours—The king grants an house to each new created earl—They surrender their estates and receive new grants on condition of military service—A list of several chieftains, <i>Note</i>	53
The king takes the title of king of Ireland—A parliament summoned to confirm the new title—A forty shilling freehold enacted a requisite to vote at elections for members to serve in parliament—Residence of the borough members necessary—The priory of Kilmainham and several religious houses suppressed	54
The county of Meath divided into two shires—English laymen only enabled to be appointed deputies or lords lieutenants—State ordinances for those parts of the kingdom without the pale	55
These laws published 12th July, 1582—A perspective of Ireland by Sir John Davies	56
O'Neil and other chieftains propose terms to the French—The Bishop of Valence sent to Ireland—This prelate's disappointment—Henry takes a corps of Irish infantry to France—Their conduct there—Becomes unpopular within the <i>pale</i> —Orders base money to be coined	57
Encroachments upon the rights of the native Irish during the reign of Edward VI.—O'Moore, O'Byrne, and O'Connor take	

arms—Are subdued by Sir Anthony Bellingham—The Earl of Desmond taken and conducted prisoner to Dublin—Released—Bellingham recalled to take his trial in England, dies on his way	58
The protector proceeds with the work of reformation—Royal proclamation sent to Ireland enjoining the reception of the new Liturgy—Dowdal, Archbishop of Armagh, opposes it—Disputation in St. Mary's Abbey Dublin—Issue thereof—Not more than four bishops with Archbishop Browne obey the proclamation	58
John Bale appointed to the see of Ossory—His violent temper and great learning—Five of his domestics slain—Useless application of the deputy to have the English laws extended to the native Irish	60
Insurrection of Tyrone—Assumes the name of O'Nial—Death of Edward VI.—Mary upon her accession to the throne, first by proclamation, next by parliament, annuls all the innovations in religion and church discipline—Protestant bishops deprived—Church possessions alienated—Confirmed by parliament and the pope to the holders	61
A subsidy granted to the queen for expelling the Scotch mercenaries out of Ireland—Earl of Sussex reduces into shire land <i>Leix and Offaly</i> , the territories of the O'Moores and O'Connors called thenceforth Queen's county and King's county—Act to authorize the lord chancellor to divide and limit the Irish territory	62
Tranquillity of Ireland upon the restoration of the ancient worship but of short duration—The Irish though pleased with the restoration of religion, yet displeased at the civil government of Queen Mary	63

## CHAPTER II.

### REIGN OF ELIZABETH.

QUEEN Elizabeth's accession—The Earl of Sussex continued in the lieutenancy—The pacific disposition of the natives—The queen declares for the reformation—General discontent without the pale—Survey of all the lands in Ireland—General disposition to revolt	64
The insurrection of John O'Nial—Spiritual jurisdiction restored to the crown—The acts of Mary repealed—Forfeiture of twelve-pence for each default in not resorting to established church—All collations to vacant sees in the gift of the crown—Effects of the new laws	65

O'Nial murdered by the Scotch—Parliament convened, sets two years—By its rigorous statutes encreases the discontent—Extract from Lord Clare's speech thereupon, <i>Note</i>	66
Contest of Stanihurst and Barnewall for the office of speaker	67
The judges consulted—Their decision	67
Hooker member of this parliament—Act of attainder of Shane O'Neile—Impolitic preamble of the act to insult and provoke the Irish with fable of King Gurmonde—Insurrection of Desmond and Clanricarde—Attempts of Sir Thomas Smith and of the Earl of Essex to settle Ulster—Sir William Sydney imposes an unconstitutional tax—Remonstrances against it—Sir W. Sydney supports it	68
The remonstrants against the new tax, viz. Lords Baltinglass, &c. imprisoned in the Fleet—Orders sent to Sydney to confine and dismiss from office, if any they possessed, all opposers of the queen's mandates—The agents removed to the Tower—General alarm—The agents ungraciously dismissed—Insurrection of Desmond not subdued	69
A small body of Spaniards land in Kerry—Surrender by capitulation, and they are afterwards massacred in cold blood by orders of Sir Walter Raleigh—Baron of Lixnaw revolts—Lord Grey recalled—A general amnesty published—Desmond taken and beheaded—Baltinglass fled to Spain—Sir John Perrot appointed deputy	70
A parliament summoned—A motion from the crown party for suspending Poynings's law—Opposition to the country party—Parliament prorogued—The sittings reassumed—Attainder of Desmond and forfeiture	71
A bill passed regulating the taxes on wine—Plan for planting Munster—Various gentlemen receive grants of land—Bingham's rigorous government of Connaught	72
Perrot's recal and impeachment	73
Sir William Fitzwilliam named deputy—His corrupt government	73
O'Rourke takes up arms—O'Toole and O'Dogherty confined—Mac Mahon, Prince of Monaghan surrenders and obtains a regrant of his country and dies—His brother claims his inheritances—Is confined and executed—His estate parcelled to Sir Henry Bagnal and other adventurers—A general insurrection—A commission named—Peace with the Irish 1596	74
Distressed state of Ireland—Submission of Tyrone—Execution of the Earl of Essex—Cecil sends articles of peace to Tyrone—Accepted—Renounces the name of O'Neale	75
Loses his influence—Sues for pardon—Immense expences of the Irish war to England—The war carried on under a cloke of religion	76



Doctor Leland's remarks in favour of the Catholic clergy—Elizabeth's demise	- - - - -	77
---	-----------	----

## CHAPTER III.

## THE REIGN OF JAMES THE FIRST.

ACCESSION of the Stuarts—The legislative and juridical power extended beyond the pale	- - - - -	79
James ingratiates himself with the Irish—Tyrone and Donnell come to court—Their good reception—The king's promise of a toleration to the Roman Catholics—They publicly perform divine service—The lord deputy remonstrates—Their answer—A passage in James's works alluded to, <i>Note</i>	- - - - -	79
Mountjoy marches an army into Munster—The city of Waterford shuts her gates—He threatens ruin—Is received—The other cities of Munster follow the example of Waterford—Remarks upon the statute of uniformity passed under Elizabeth, why not executed during her reign, <i>Note</i>	- - - - -	80
An act of oblivion by proclamation under the great seal—Conditions of the oblivion—Good effects of this act—Sir John Davie's testimony of the disposition of the Irish in time of peace to obey all just laws, <i>Note</i>	- - - - -	82
A commission of grace to protect the subjects from any claims of the crown—Surrenders of lands holden by tanistry and gavelkind and regrants, under English tenures—Grounds of this new system—The whole landed interest changed	- - - - -	82
Supposed partiality of the king for the Catholics—Neither Catholic, Protestant, or Puritan, this prince's real character—Ascendency of the Puritans in Ireland—Lord Belfast brought up in their principles	- - - - -	83
The Puritans oppose any indulgence to the Catholics—Solemn publication of the statute of conformity with a proclamation—The bad effects of this policy	- - - - -	84
The magistrates of Dublin summoned to renounce their religion—Fined and imprisoned—The old families of the pale are alarmed—Sir Patrick Barnewall sent to the Tower—Pretended rumours of a conspiracy spread by an anonymous letter	- - - - -	85
Six northern counties forfeited—Planted by Scots and English	- - - - -	86
Distribution of the forfeited lands, <i>Note</i>	- - - - -	87
Profuse grants to Sir Arthur Chichester	- - - - -	88
Religious parties run high	- - - - -	89
After a lapse of 27 years James convenes a parliament—First establishment of Protestant ascendancy—Some of the lords of the pale remonstrate	- - - - -	90

The lord deputy creates forty new boroughs—Sir John Davies elected speaker—Number of the lords and commons—The Catholic party secede—They send their grievances to the king	90
Determination of these grievances referred to the privy council	91
Imprisonment of Sir James Gough—A commission of enquiry appointed—Forfeitures in Connaught	92
Military extortions and martial law in time of peace—Ecclesiastical courts and privy council decisions	93

## CHAPTER IV.

## CHARLES THE FIRST.

Warner's opinion of the infidelity of the English writers upon Ireland	94
The Irish expect a toleration of religion—Catholic academy for education formed in Dublin—Insincerity of Charles	95
Lord Deputy Falkland's Character—Offers of the Catholics for his majesty's service—Doctor Warner's remarks, <i>Note</i> —Falkland recalled—Two lords justices, Viscount Ely and Earl of Corke, appointed	96
The king orders severe persecution of the Catholics—Catholic chapel of Dublin seized, plundered, &c.	97
Fifteen religious houses seized for the king—The Dublin academy given to the college—Rigorous execution of the penal laws	97
Lord Wentworth deputy—Historians differ concerning the state of Ireland under the two first Stuarts	98
Leland's remarks upon Wentworth	99
Insincerity of Wentworth towards the Catholics	100
Lord Antrim writes to Strafford—Wentworth's haughty conduct upon landing in Dublin—He proposes to call a parliament—His mode of constituting the same	101
His letter to Secretary Coke—Substance of his speech to parliament	101
The Irish deceived by the king and minister	103
The commons vote six subsidies—He refuses to transmit a remonstrance to the commons	103
He sets about annulling all titles in Connaught—His own account of his preparations—the jury of Galway refuses to obey his mandate—He fines and imprisons them	104-5
The king approves his conduct	106

He is recalled—Created Earl of Strafford, and honoured with the Garter—Confirmed in the lieutenancy of Ireland—Raises a body of men, mostly Catholics—A strong remonstrance from the commons	107
The commons enter a protestation against his conduct—Are joined by the lords—Strafford recalled, tried and executed—Allusion to the king's speech upon his conduct	108
Sir Henry Wandsworth appointed to the government of Ireland—Lord Dillon and Sir William Parsons lords justices	109
The king writes to the lords justices—The parliament adjourns—A proclamation of his majesty's grants—The great rebellion breaks out—Ascendency of the Puritan party—The Puritans dread the loyalty more than the religion of the Catholics—The Irish Catholics first and last in arms for the support of the king	110
Conduct of the Puritans—The lords justices renew the persecutions against the Catholics	110
The Scotch covenanting army publish resolutions with their brethren the Puritans—Some of the Northern Catholics associate, and arm for self-defence—Lord Clanricarde's report of the state of things—His majesty's opinion of the rebellion	111
The Scotch covenanters receive 200,000 <i>l.</i> to return to their own country—Various causes of the rebellion	113
A remonstrance from Cavan supposed to be drawn up by Bishop Bedel, <i>Note</i>	114
Proclamation of the lords justices, branding Catholics as rebels—Explanatory proclamation	115
Various accounts of the numbers massacred, <i>Notes</i>	115
Borlase represents the insurgents as a tumultuous ill-armed rabble, &c.—The rebels in the North defend the molesting the Scotch	116
Doctor Warner's statement of <i>the conduct</i> of the justices	117
Commission to Phelim O'Nial proved a forgery—The lords of the pale apply to government for redress—The Earl of Castlehaven imprisoned—Sir John Read put to the rack	118
The oath of confederacy of the Catholics—The king's commission to confer with the Confederates	119
Marquis of Ormond's character—Sir William Parsons superseded	120
Hostile dispositions of the Marquis of Ormond towards the Catholics	120
Sir Henry Ticheborne's history of the siege of Drogheda—Ormond rejects every proposal of the confederates	121
Ormond obtains from the confederates a supply of 30,000 <i>l.</i>	122
The cessation signed—The Northern army reject the cessation, and soon after take the covenant	123



Lord Inchiquin revolts against the king—His cruelties in Munster—The parliament of England declares against the cessation—The English parliament orders that no quarters be given to any Irishman bearing arms against the parliament—The Marquis of Ormond created lord lieutenant—His hatred to the Catholics	124
The king sacrifices his Catholic subjects to his and their enemies	125
Ormond acknowledges his hatred, <i>Note</i>	125
The king earnestly desires a peace with the Irish	125
Extraordinary powers granted to the Earl of Glamorgan	128
The confederates duped by the duplicity of the king	129
The confederates send commissioners to Dublin to conclude the peace—The Earl of Glamorgan confined and released	129
Division among the confederates—Ormond delivers the sword of state to the parliament commissioners	131
Ormond stipulates for the price of his treachery—The conduct of the Irish parliament—Ormond is expelled the castle by the English committee	131
The confederated Catholics meet again at Kilkenny—Their declaration—Ormond lands in Cork—Goes to Kilkenny—His reception there—Lord Inchiquin's army revolts and joins the rebels	133
Ormond refuses to conclude a peace with the confederates until a few days before the king's execution	133
Ormond's letter to Lord Digby	134
He proclaims the Prince of Wales king	135

## CHAPTER V.

### THE INTERREGNUM AND REIGN OF CHARLES THE SECOND.

Battle of Rathmines—Ormond defeated by Jones, governor of Dublin—Charles II. writes from the Hague and approves of the peace with the Catholics	136
He is proclaimed king in Scotland—Takes the covenant—Publishes a declaration	137
Charles Coote, Lord Mountrath, and Lord Broghill join the regicides	138
Meeting of Cromwell and Lord Broghill, <i>Note</i>	139
The Catholics shocked at the king's conduct	140
All Catholics serving under Ormond are excommunicated—A like anathema pronounced against the enemies of the king, &c.—Ormond quits Ireland—Leaves the command to the Earl	

The rights of Ireland overlooked in the contest between the king and English parliament	- - -	178
The king's displeasure in his speech	- - -	178
The death of the Duke of Gloucester occasions the passing of an act for calling in the house of Hanover—Death of the king	- - - - -	180

## CHAPTER II.

## THE REIGN OF QUEEN ANNE.

Anne the last of the Stuart line—No effort made in Ireland since the accession of the House of Hanover to reinstate the Stuarts—The queen's inconstancy in politics—Exercises her interested zeal in oppressing the Catholics of Ireland	- - -	181
The act passed for preventing further growth of Popery—Several members resign their seats	- - -	182
The English test act in all its rigours becomes a statute law for Ireland	- - - - -	183
Lords Kingsland and other Catholics petition to be heard by counsel—Granted—Their arguments are disregarded	- - -	183
The Dissenters petition against the sacramental test—The Dissenters withdraw their opposition—The commons resolves that the burgesses of Belfast must take the test—The Duke of Ormond grandson to the aforementioned in this history created lord lieutenant	- - - - -	184
The great advantages of an incorporate union proved from the profligacy of Queen Anne's administration—The bad effects of an Irish aristocracy	- - - - -	186
The Irish no ways concerned in the rebellions of 1715 or 1745—Address of the commons of Ireland against James duke of Ormond	- - - - -	187
Penal laws executed to the utmost rigour—Roman Catholics considered as enemies until the reign of George the III.	- - -	187
An union with England solicited an. 1703, by a resolution of the Irish peers—Lord Clare's inferences from what followed this address	- - - - -	188
The Irish Catholics considered as the common enemy in the various addresses of the commons	- - -	189
Earl of Wharton created lord lieutenant—His character by Swift	- - - - -	190
The adulation of the Irish commons of this profligate chief governor—The Irish Catholics considered null in the nation	- - -	191
The lords present a petition to her majesty complaining of the		

Earl of Wharton's indulgence to the Presbyterians of the North	192
The Tories gain an ascendancy in the House of Lords	193
The lords' petition analyzed	194
Protestant ascendancy in Ireland tinged with Puritanic principles	195
The Puritans affect the appellation of <i>Whigs</i>	196
The Duke of Shrewsbury joins the Whigs—Parliament dissolved—Convened—The commons vote a severe address to the queen against Sir Constantine Phipps	197
The queen's answer dated Windsor, 13th December, 1713	197
The English parliament avowedly legislate for Ireland in the schism act—Sir Joseph Jekyll's opposition	198
Great debates in the House of Lords	199
Mr. Bromley, the principal secretary of state, upon the third reading of the schism bill severely animadverts upon the Dissenters—The October club, all high churchmen, joins administration	200
A contest between the lords and commons about Sir Constantine Phipps the chancellor	201
A reward for apprehending the pretender	202
The petition of George, duke of Cambridge	203
Effects of this petition upon the queen and counsel, <i>Notes</i> —Two curious letters of the queen	204
Demise of the queen	205

## CHAPTER III.

## THE REIGN OF GEORGE I.

Various opinions upon the Lords Bolingbroke and Oxford—The Whigs gain a decided ascendancy in every department—The parliament of Ireland convened—Partiality for the House of Hanover	206
A strong address from the commons, praying his majesty to remove the Earl of Anglesey	207
Dean Swift's letter to the Archbishop of Dublin	207
Ireland peaceful during the rebellion of 1715	208
The Catholics more persecuted during the reign of Queen Anne than ever before her accession—Resolution of the commons to put the laws against Papists into execution	209
A resolution of the commons of Ireland proving their partiality to the Irish Dissenters	210
Several Catholic lords arrested as suspected—Case of Sherlock and Annesley upon the appellant jurisdiction	212



Representation of the Irish lords	-	-	-	213
The English lords bring in a bill for securing the dependancy of Ireland	-	-	-	216
A fleet equipped in Spain to favour the Pretender, commanded by Ormond	-	-	-	217
Dispersed by a storm	-	-	-	217
The Duke of Grafton's speech upon closing the session				219
The commons resolve upon the heads of a most cruel bill for preventing the further growth of Popery			-	220
Political principles of the Irish government	-	-	-	222
Primate Boulter's correspondence, <i>Note</i>	-	-	-	222
Swift's publications and patriotism	-	-	-	225
The patriots oppose with success the circulation of Wood's copper coin	-	-	-	226
The Irish parliament address the king	-	-	-	226
Demise of George I.—His character	-	-	-	227

# CONTENTS

OF THE

## APPENDIX TO THE FIRST VOLUME.

---

- No. I. THE bull of Adrian IV. by which he granted Ireland to Henry II. and confirmation thereof by Alexander III. - - - page 1 to 3
- II. The treaty or articles of Windsor, - - - 3 to 4
- III. Extracts from the Irish remonstrance to Pope John XXII. - - - - - 4 to 9
- IV. The form of a proclamation made on the occasion of changing the lordship into the kingdom of Ireland, - - - - - 9
- V. Proclamation of temporary constitutions made by deputy and council in magno parlamento, 10 to 11
- VI. An act whereby the king and queen's majesties, and the heirs and successors of the queen be entitled to the countries of Leix, Slewmargin, Irry, Glinmalir, and Offaly, and for making the same countries shire grounds, - - - 12 to 13
- VII. From the preamble of 11 Elizabeth, c. I. 13 to 19
- VIII. Letter from Lord Essex to Queen Elizabeth, dated 15 June 1598, - - - - - 19 to 22
- IX. Extract from the annals of the four masters, relative to some of the great Milesian families, who attended parliament - - - 22 to 23
- X. Form of the association of the adherents of Desmond - - - - - 23 to 24
- XI. Breve of Pope Clement VIII. to the Irish nation - - - - - 25 to 26
- XII. From the MSS. Trinity college, Dublin, being a brief declaration to the queen, concerning the abuses of her government in Ireland, particularly

	under the administration of Sir William Fitzwilliams, written in 1594, by Captain Thomas Lee	26 to 48
XIII.	The anonymous letter, upon which the rebellion of Tyrone and Tyrconnel was founded	48 to 49
XIV.	A proclamation touching the Earls of Tyrone and Tyrconnel	49 to 51
XV.	A letter from several of the lords of the Pale to King James I.	51 to 54
XVI.	Remonstrance of divers lords of the Pale to the king concerning the Irish parliament	54 to 56
XVII.	The speech of James I. to the lords of the council at Whitehall, on the 21st of September, 1633, in the presence of the Irish agents	56 to 62
XVIII.	The judgment of divers of the archbishops and bishops of Ireland concerning the toleration of religion	62
XIX.	Abstract of the report and return of commissioners sent by the king to Ireland, to enquire into the grievances and complaints of the Irish, in 1613	62 to 65
XX.	The substance of the remonstrance of the commons to the Lord Deputy Wentworth, in 1695	65 to 67
XXI.	To the Right Honourable the Lord Deputy, the humble and just remonstrance of the knights, and citizens, and burgesses assembled	67 to 71
XXII.	To the right honourable the justices and council, the humble remonstrance of the gentry and commonalty of the county of Cavan, of their grievances, common with other parts of the kingdom of Ireland	71 to 72
XXIII.	The protestation of the commons against the preamble in favour of the Earl of Strafford	72 to 76
XXIV.	His majesty's letter touching the graces	76
XXV.	The orders of the lords and commons of the English parliament to the lords justices of Ireland	76 to 78
XXVI.	The oath to be taken by the Irish	78
XXVII.	Lord Clanricarde's letter to the king	79 to 81
XXVIII.	The remonstrance of the Catholics of Ireland, delivered to his majesty's commissioners at Trym, 17th of March, 1642	81 to 95
XXIX.	Declaration of the confederated Catholics	95 to 96
XXX.	The king to the Marquess of Ormonde, sent by Mr. Brent; and the king to the Marquess of Ormonde, sent by Sir Brian O'Neil; and the king	



	to the Marquess of Ormonde, sent by the Earl of Glamorgan, and other letters from the king to Ormonde	96 to 97
XXXI.	Patent to the Earl of Glamorgan	97 to 98
XXXII.	Commissions to ditto	98 to 99
XXXIII.	The king's letter to the Archbishop of Ferns, and extract of a letter to the queen, dated the 2d of March, 1645, from Cardinal Pamphilio, delivered to her majesty at Paris, by Signor Spinola	102 to 103
XXXIV.	Letter of the Marquis of Ormonde to the Lord Muskerry	104
XXXV.	The preamble to and conditions of the secret treaty of the confederates concluded with the Earl of Glamorgan, on the 25th of August, 1645-6	104 to 107
XXXVI.	Letter from the Marquis of Ormonde to the Earl of Glamorgan	107
XXXVII.	Letters from Charles I. to the Earl of Glamorgan	108 to 109
XXXVIII.	The state of his majesty's affairs, and the condition of his faithful subjects in the kingdom of Ireland, 12th of April, 1651	112 to 115
XXXIX.	A copy in English of his majesty's letter to his highness the Duke of Lorrain, dated 6th of February, received the 8th of August, 1652	115 to 118
XXXIX*.	A list of the nobility of Ireland in 1688	118
XL.	The Marquis of Ormonde to the king	119 to 122
XLI.	Declaration of the Roman Catholics	122
XLII.	By the lord deputy and council a proclamation	123 to 125
XLIII.	Mr. Osborne's letter to my Lord Massereen	125 to 127
XLIV.	The names of the lords and commons of the parliament of Ireland, sitting at Dublin the 7th of May, 1689, and continued sitting till the 18th of July, and then prorogued until the 12th of November. King James' speech to both houses of parliament in Ireland, published by his majesty's order, May 10th 1689. The parliament of Ireland's address to the king. The several bills that passed both houses of parliament in the session begun at Dublin, the 7th of May, 1689, to which the late king assented. The preamble to the act of repeal of the acts of settlement and explanation, &c. as it passed the House of Commons	127 to 139

- XLV. Doctor Gorge, secretary to General Schomberg in Ireland, his letter to Colonel James Hamilton, in London, to be communicated to the Lady Viscountess Ranelagh, the Lord Massareen and others - - - 139 to 148
- XLVI. An act for the attainder of divers rebels, and for preserving the interest of loyal subjects 148 to 161
- XLVII. An act for repealing the acts of settlement and explanation, resolution of doubts, and all grants, patents and certificates, pursuant to them or any of them - - - 161 to 183
- XLVIII. An act for the advance and improvement of trade, and for encouragement and encrease of shipping and navigation - - - 183 to 189
- XLIX. The civil and military articles of Limerick, exactly printed from the letters patents, wherein they are ratified and exemplified by their majesties, under the great seal of England 189 to 199
- L. The lord lieutenant's protest against the House of Commons's claim to the right of originating money bills - - - 199 to 201
- LI. Report of the commissioners upon the forfeited lands - - - 201 to 203
- LII. The several arguments of Sir Theobald Butler, Counsellor Malone, and Sir Stephen Rice, at the bar of the House of Commons of Ireland, February 22d; and at the bar of the House of Lords, February 28th, 1703, against passing the bill, intituled, an act to prevent the further growth of Popery - - - 203 to 216
- LIII. Protest upon the schism act in the British House of Lords - - - 216 to 219
- LIV. To the king's most excellent majesty, the humble address of the knights, citizens, and burgesses in parliament assembled - - - 219 to 221
- LV. The sentiments of a Church-of-England-man, with respect to government, by Dr. Jonathan Swift 221 to 230
- LVI. The late Duke of Leed's reasons for protesting against a vote of the House of Lords in England, which declared a trial before the House of Lords in Ireland to be *coram non judice* 230 to 232

AN  
HISTORICAL REVIEW  
OF THE  
STATE OF IRELAND.

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PRELIMINARY CHAPTER.

*OF THE STATE OF IRELAND BEFORE IT WAS  
INVADED BY THE ENGLISH.*

IN order to prepare the mind for an impartial and satisfactory judgment upon the Union of Great Britain and Ireland, it will be proper to premise some general observations upon the nature and resources of Ireland, and the spirit and character of its native inhabitants, independently of any connection with Great Britain. We shall thereby be enabled to judge impartially of the relative effects of that connection, which, through a long and intricate maze of national vicissitudes, has ultimately led to an incorporate union of the two kingdoms. I affect not to write a regular history of Ireland\*, but shall endeavour to draw the attention of my reader to such prominent events, as have in their time, order, and proportion, remotely and proximately led to the incorporate union of Great Britain with Ireland, which is the primary object of this publication.

\* Whoever has given even a transient thought to the history of Ireland, must be sensible that the most striking features of it have been generally delineated in the strongest tints of party prejudice. This made Dr. Leland say: "But the circumstances of Ireland were a still more dispiriting obstacle to the historian of this country. Prejudices and animosities could not end with its disorders. The relations of every transaction in times of contest and turbulence, were for many years dictated by pride, by resentment, by the virulence of faction, by the obliquity of particular interests and competitions. It was scarcely possible for a writer not to share in the passions and prejudices of



Although the nature of man be homogeneous, yet different portions of the human race differ from each other by properties, qualities, and habits, so strongly distinctive, as nearly to approximate to a difference of species. Many are the gradations and shades of these distinctions. True it is, that different political systems produce powerful effects upon mankind: they go great lengths, but not the whole way towards changing the innate genius, spirit, and character, of nations. To a close and impartial observer, the original national character will manifest itself, up to the remotest antiquity, under the strongest influence of improvement or debasement. Without entering into a philosophical disquisition of the immediate causes of a variety in national characters, we may be allowed to attribute much to the air and soil of particular countries, although, at distant periods of time, many may be the instances of changes, suspensions, and apparent extinctions, of the most marked characters in the same nations. Faintly, if at all, can we trace a single line of the old Grecian, Punic, or Roman character, through modern Turkey, on the coasts of Barbary, or in the territorial possessions of the Bishop of Rome. But who shall assert, that a melioration of the political systems of government in those countries, would not vivify the smothered embers, and rouse into a flame that very spirit, which once was the dread of the day, and has since been the astonishment of posterity? Yet Ireland undoubtedly stands prominently conspicuous amongst the nations of the universe a solitary instance, in which neither the destructive hand of time, nor the devastating arm of oppression, nor the widest variety of changes in the political system of government, could alter or subdue, much less wholly extinguish, the national genius, spirit, and character of its inhabitants.

It would be useless to attempt any thing like a geographical survey or description of the island. Sir John Davies, who was

“ those around him; or, however candid, dispassionate, and accurate, still he  
 “ must have done dangerous violence to their opinions and prepossessions....  
 “ Time and reflection, and an encreasing liberality of sentiment, may have  
 “ sheathed the acrimony of contending parties; and those at a distance may  
 “ look on their contentions with indifference. Yet, even at this day, the histo-  
 “ rian of Irish affairs must be armed against censure, only by an integrity  
 “ which confines him to truth, and a literary courage, which despises every  
 “ charge but that of wilful or careless misrepresentation. In several instances,  
 “ the author may have stated facts in a manner different from those writers  
 “ usually accepted as authentic. Had he, in such cases, proceeded to a par-  
 “ ticular examination of the opinions and assertions of other men; had he en-  
 “ tered into a justification of his accounts, or specified the reasons which de-  
 “ termined him to reject, or admit, every particular authority, his work must  
 “ have swelled to an enormous size. He was, therefore, obliged to content  
 “ himself with a diligent and attentive inspection of different evidence, with a  
 “ careful use of his private judgment; with exhibiting the authorities he  
 “ chose to follow, without generally engaging in critical or controversial dis-  
 “ cussions. They who are the best acquainted with the materials of which  
 “ this history, and particularly the latter periods, have been formed, will pos-  
 “ sibly be the readiest to acknowledge the necessity of this method.” To  
 these sentiments I unequivocally subscribe.

attorney-general in Ireland, in the beginning of the reign of James the First, applied his observations in a particular manner to its local, as well as its then political situation. His report, from ocular testimony, compresses, in few words, the immense advantages and resources of this island in itself, and consequently its importance to the British empire at large.\* “During the time,” says he, “of my service in Ireland (which began in the first year of his Majesty’s reign), I have visited all the provinces of that kingdom, in sundry journeys and circuits. Wherein I have observed the good *temperature* of the *ayre*; the *fruitfulness* of the *soyle*; the pleasant and commodious *seats* for *habitation*; the safe and large *ports* and *havens*, lying open for *trafficke* into all west parts of the world; the long inlets of many navigable rivers; and so many great lakes and fresh ponds within the lands, as the like are not to be seene in any part of Europe; the rich *fishings*, and wilde fowle of all kinds; and, lastly, the *bodies* and *minds* of the people, endued with extraordinary abilities of nature†.”

Dr. Leland, whose History of Ireland claims classical pre-eminence amongst the modern productions upon this subject, has favoured us with the following characteristic of the people of Ireland‡ “A robust frame of body, a vehemence of pas-

\* A Discoverie of the true Causes why Ireland was never entirely subdued, &c. by Sir John Davies, Part 1.

† It is well known that Camden, though entitled generally to high historical credit, yet laboured under strong prejudices against the Irish: such, indeed, was the prevailing fashion or spirit of all the English writers of his days. His testimony, therefore, in favour of the Irish, is of double force. It was said of him, by an Irish author, not impertinently,

Perlustras Anglos oculis Cambdene duobus,  
Uno oculo Scotos, cæcus Hybernigenas.

Thus then Camden speaks of the Irish (*Brit.* p. 680.) “*Bellicosi sunt, ingeniosi, corporum lineamentis conspicui, mirifica carnis mollitie, et propter musculorum teneritudinem agilitate incredibili.*” And (p. 789), “*In universum gens hæc corpore valida et imprimis agilis, animo forti et elato, ingenio acri, bellicosa, vitæ prodiga, laboris frigoris et inediæ patiens, veneri indulgens, hospitibus perbenigna, amore constans, inimicitiiis implacabilis, credulitate levis, gloria avida, contumeliæ et injuriæ impatiens, et ut inquit ille olim, in omnes actus vehementissima.*”

The singular phenomenon of reptiles, which are elsewhere venomous, being deprived of their poison and sting in Ireland, is too curious, and too generally spoken of as fabulous, not to be noticed. The native Irish have ever attributed this singularity to the prayers of St. Patrick, in whose days, they affirm, the island to have been over-run with these noxious creatures. The fact has been recognised by men of the highest authority. Venerable Bede, in the beginning of the eighth century, said, *Nullus ibi serpens vivere valeat.* *Lib. i. c. 1.* And Camden, in his *Brit.* 727, also says, *Nullus hic anguis, nec venenatum quicquam.*

‡ The attempt to write the history of the union of Great Britain and Ireland, in a manner unexceptionable to all parties, though perhaps unattainable in fact, is not of so desperate a nature as to be abandoned in the first instance. I readily admit, that whatever may be hazarded in this work as matter of opinion, is fully open to controversy; and that general presumptions will reasonably bear hard against a person, who can prove but little by the testimony

sion, an elevated imagination, were the characteristics of the people. Noble instances of valour, generous effusions of

of his senses, either of the nature of the country, or the disposition of its inhabitants. Upon these two points, therefore, I have adopted the opinions of Sir John Davies and Dr. Leland as unexceptionable; inasmuch as they both lived many years in the country, and applied their minds to those objects with peculiar attention. I have, therefore, submitted my own opinions, whatever they might have been, in these two points to those of others, in every way more competent, from personal experience, to judge rightly of them than myself. But as to all public documents and proofs of historical facts, every man that undertakes the functions of an historian must be supposed competent to judge; and by that competency will he form his judgment. *Et eum oportet esse gnariter impudentem*, who, in defiance of such public documents, shall wilfully attempt to misrepresent the truth. I have, moreover, personal reasons for adopting the opinions of others, on these two points, in preference to my own. About ten years ago, before I had ever been in Ireland, I published a pamphlet, on the occasion of the passing of an act of parliament in Great Britain in favour of the English Catholics: it was also at the time when Mr. Paine, and his proselytes, were industriously propagating the doctrine on the abstract *Rights of Man*. In that work, I said: "The lower class of the Irish, I understand, to be a race robust and hardy, and of a very irritable disposition" and nature: they are now indolent in extreme poverty, from being debarred "the common resources of industry; and are averse from all laws, from having felt the constant pressure of such only as are galling and severe." And I concluded, that the zealots for sedition and anarchy found them ready materials to work upon.....Sir Richard Musgrave, in the additional Appendix to his *Memoirs of the Rebellions in Ireland*, has chosen to construe these words into a strong incitement to disloyalty and insurrection; and he adds, in a note, that *if this gentleman had lived among the Irish, he would have known that they were active citizens, both by night and by day*. Since the publication of that pamphlet, I have thrice visited Ireland: the legislature, since that period, has thought proper to repeal most, if not all of those very laws, which I then termed *galling and severe*. The acts of the legislature have justified my application of those epithets to the laws, which they found necessary to repeal. The *civic activity, by night and day*, upon which the historical baronet has indulged his jocularly, is rather too awful a subject to reply to in the same strain. I scarcely know a more sure preventative against a relapse into this disorder of *activity*, than to encourage the sober industry of the *active citizens*.....It long has been my cordial wish to promote the welfare of Ireland, which is, if I may be allowed the phrase, the right hand of the British empire: and it has ever pained me to observe its natural powers cramped, checked, and paralysed.....In reprobat- ing the spirit with which this work of Sir Richard Musgrave, and some other publications of a similar tendency, are written, it would be injustice to the public not to lay before them the sentiments which the Marquis Cornwallis expressed in an official letter to that Baronet, after the publication of his work, viz.

"SIR,

Dublin Castle, March 24, 1801.

"I am directed, by the Lord-Lieutenant, to express to you his concern, at its appearing that your late publication of the *History of the late Rebellions in Ireland*, has been dedicated to him by permission. Had his Excellency been apprized of the contents and nature of the work, he would never have lent the sanction of his name to a book, which tends so strongly to revive the dreadful animosities which have so long distracted this country, and which it is the duty of every good subject to endeavour to compose. His Excellency, therefore, desires me to request, that in any future edition of the book, the permission to dedicate it to him may be omitted.

"I have, &c.

"Sir Richard Musgrave, Bart.

"E. B. LITTLEHALES."



“benevolence, ardent resentments, desperate and vindictive outrages, abound in their annals. To verse and music they are peculiarly addicted. They who are possessed of any superior degree of knowledge, they who operate on their fancies or passions by the liveliest strains of poetry, are held in extraordinary veneration. The ministers of their religion are accounted more than human. To all these they submit their contests; they consult them as oracles of law and policy. But reflection, and the gradual progress of refinement, convince them of the necessity of settled laws. The principles of equity and independence implanted in the human breast, receive them with delight; but the violence of passion still proves superior to their restraint. Private injuries are revenged by force; and insolent ambitious chieftains still recur to arms.”

If this be a faithful portrait of the characteristic features of the Irish nation, and I admit the outline and colouring to be just, the references I shall make to the earlier parts of the Irish annals, will serve to trace and account for the origin, nature, and continuance of that national character, out of which arise some of the strongest reasons for uniting that kingdom with our own.

The pride of ancestry has a peculiar effect upon the Irish. No nation, in fact, now upon the face of the globe, can boast of such certain and remote antiquity; none can trace instances of such early civilization; none possesses such irrefragable proofs of their origin, lineage, and duration of government. It has been a pitiful prejudice in too many English writers, to endeavour to throw discredit upon the early part of the Irish history. That many fabulous accounts are to be found in the Irish annals, is true; but no less true is it, that the English historians superabound with gross and wilful misrepresentations of the Irish annals\*. The possession of a vernacular language at

\* The ill-judged policy of misrepresenting the Irish history, for partial or corrupt purposes, began almost as early as our connections with that country; and, it is to be lamented, that it has been kept up almost uniformly to the present day. Gerald Barry, commonly called Giraldus Cambrensis, was sent over by Henry II. for the avowed purpose of publishing whatever he could collect, that was disadvantageous to the Irish. Williamson, the bishop of Derry, says: “Wonderful, indeed, are many of the tales which he picked up, of the natural, moral, and political state of this nation.” (Ir. Hist. lib. 2.) Sir James Ware, who published his antiquities of Ireland under Queen Ann, “admires that some men of his age, otherwise grave and learned, should obtrude those fictions of Giraldus upon the world for truths.” The Bishop of Derry, who published his Irish historical Library in 1724, assures us, p. 3, that “a very learned person, Mr. Josiah Lynch, titular Archbishop of Tuam, to whom Mr. Flaherty prefaces his *Ogygia*, wrote a particular detection of this man’s mistakes and slanders, which he called *Cambrensis Eversus*, and published under the name of *Gratianus Lucius*. This writer accuses Cambrensis of maliciously destroying a great many of the old Irish annals, where-

this day, which was in general use above three thousand years ago, is a defiance to historical fiction and falsity, that Ireland alone, amidst all the nations of the universe, can proudly boast. The ancestors of the Irish were undoubtedly Scythians\*, or, as they were afterwards called, Phœnicians. The general belief that the Greeks, the Romans, the Carthaginians, and even the Egyptians, received the use of letters from the Phœnicians, reconciles the mind to the very early civilization of this colony, which they settled in the west. For it now seems no longer doubtful, that a Scythian or Phœnician colony settled in Ireland†.

of he had the perusal: and it is thence justly observed by Bishop *Stillingfleet*, that (if so) he had better advantages and more authorities than *Keating* ".... Candour however must admit, that if *Cambrensis* be fairly charged with wilful misrepresentation of facts, suppression of truth, and publication of falsehood, the motive for destroying those annals, which he had so perverted and abused, cannot be doubtful. No impartial writer has ever attempted to justify the groundless and incredible fables of *Cambrensis*. Mr. Pinckerton, as lately as 1789, has remarked, that *he shews the greatest ignorance in his account of Irish History*. (Pinck. Scot. London, 1789.)

\* Hence were they anciently called *Scoti*, by an easy transition from *Σκυθαι*, Scythians: which appellation, in process of time, remained only appropriate to North Britain, which was inhabited by a colony from Ireland. Venerable Bede generally calls the Irish *Scots*. James I. upon his accession to the throne of England, boasted to the Parliament that he derived his pedigree from the Irish Dynasty.

† Besides the common use of the Phœnician language by the native Irish to this day, there are many proofs of their descent from the Scythians or Phœnicians, that put the question out of all doubt. That the Carthaginians were a Phœnician colony has never been questioned, and like other colonies they carried their language with them. Plautus, who wrote his plays in the second Punic war, introduces into his *Pœnulus* the character of *Hanno* a Carthaginian, into whose mouth he puts several Carthaginian (or Phœnician) sentences, which had ever before baffled the erudition of the learned to decypher; until these speeches have been lately attentively considered, and became perfectly intelligible to the Irish scholar. The ingenious and learned Lieutenant Colonel Vallancey, whose unexampled proficiency in the Irish language has rendered his researches into the antiquities of that country most useful to the public, has given an accurate collation of these Punic speeches with the Irish, as now spoken; and they will be found to differ little more than the different provincial dialects of the French, and even of our own tongue; and infinitely less after a lapse of 3000 years, than modern English differs from what was in use four centuries ago. Vid. *Collect. de Reb. Hib.* They are also to be found in Sir L. Parsons's *Defence of the Ancient History of Ireland*. It was to be expected that the ignorance of the editors and printers of Plautus, should often misplace the syllables and run one word into another, in a language which was not understood. Colonel Vallancey has corrected this dislocation of the words and syllables, and thus rendered the whole legible to the Irish, without altering a letter. The curious reader may wish to see a specimen of this wonderful similarity, or rather identity of the Phœnician and Irish languages.

*Carthaginian, as in Plautus.*

Bythlym noctothij nelechthanti diasmachon.

*Proper intervals arranged by Colonel Vallancey.*

Byth lim! mo thym nocto thii nel ech anti dias machon.

*Irish.*

Beith liom! mo thyme noctaithe niel ach anti daise maccoinne.

Be with me! my fears being disclosed, I have no other intention but recovering my daughter.

All ancient historians agree, that hordes of Scythians emigrated to Egypt, and from thence to Spain : why then refuse credit to the Irish annalists, who are unanimous in asserting that a colony of these Scythians from Spain settled in Ireland? The Irish have always prided themselves upon having kept up a longer succession of monarchs, than any other kingdom of the world. This race of kings the Irish call *Milesian*, all of them having descended from *Heber*, *Eremon*, and *Ith*, the three sons of *Milesius*, who headed the expedition from Spain. In the year of our Lord 1170, one of the Princes of Ulster boasted to Pope Alexander III. of an uninterrupted succession of 197 Kings of Ireland, down to his time.\* It appears, indeed, at all times to have been a national passion of the Irish, to boast of the monuments of their ancient glory.

The government introduced by the first settlers, was of a peculiar cast. They divided the country into four provinces, viz. *Ulster*, *Leinster*, *Munster*, and *Connaught*, each of which had its king ; and at the head of these four provincial kings was placed a supreme monarch. The whole formed a Pentarchy. To the supreme they all pay tribute, as a mark of subjection, though they were, in all other respects, absolute and independent within their respective provinces or provincial kingdoms. The monarch had always had some demesne lands annexed to his royalty ; but their great and favourite *Tuathal* separated the district of *Meath* from the other provinces, and appointed it for the appanage of the monarch. This formed one part of his revenue ; another part of it arose out of the provincial

*Carthaginian and Irish, without the change of a word or letter.*

Handone silli hanum bene, silli in mustine.

Whenever she (Venus) grants a favour, she grants it linked with misfortunes.  
*Carthaginian.*

Meisi & en este dum & a lam na cestin um.

*Irish.*

Meisi & an eiste dam & alaim na cestin um.

Hear me, and judge, and do not too hastily question me.

The warlike instruments which have been found in Ireland under the earth, exactly resemble the weapons discovered about Cannæ, some of which are in the British Museum : the brazen swords and spears are of the same form and substance, being a composition of brass and tin. I think it useless to adduce any proofs of the similarity of habits, customs or usages, between the colony and the mother country, from the historians of each. Suffice it to say, that to this day the Irish peasants are in the annual habit of lighting upon certain hills, on the eve of Midsummer, what they still call *Bel's fire*, though fully as ignorant, that *Bel* was the god of their Phœnician ancestors, as others are, that Jupiter, Mars, Mercury, and Venus, were heathen deities, in whose honour the days of the week have received their appellation.

\* The moderate allowance of 10 years to the reign of each of these kings, will fill the space of 1970 years, 200 years being a moderate allowance for those reigns which exceeded that duration. This nearly corresponds with the time (viz. about 1000 years before the birth of Christ), at which most of the Irish annalists date the arrival of the Phœnician colony from Spain under Milesius.



contributions of corn, hay, and cattle: and when any state emergency required more than the ordinary subsidies, the revenue was aided to the extent of the exigency by occasional taxes, which were voted and imposed, not by the monarch, but by the general assembly of the nation.

It has been frequently and justly remarked, that more family pride is retained by the Irish, even in extreme indigence, than by any other nation; and it is generally attended with a conviction of some right to large possessions, and seldom exists without some hereditary tincture of contempt for those, whose lineage they think less ancient and noble than their own; although, at the same time, no nation attach more consequence to property. This is a relict and natural consequence of the ancient constitutions, under which more dignity and consequence were annexed to particular families than in other nations, not as with us by primogeniture; but the honours and dignities of the families were considered by the different septs, clans, or lineages, as disposable to the most worthy. This principle prevailed from the family of *Milesius* down to every other throughout the island. Not only the throne, but all the posts of honour and profit under the state were in fact elective; not indeed out of the nation at large, but out of particular septs or families: consequently purity of blood became a national object, and carried with it more real consequence, than it did in any other nation of Europe. Thus although the monarchy were by the constitution elective, and in fact seldom went in an immediate lineal descent; yet from the landing of the Phœnicians to the mission of St. Patrick, including the space of about 1500 years, and from that to the invasion of Ireland under Henry II. being about 640 years, no one filled the monarchy that was not a descendant of one of the three sons of *Milesius*. In the choice of their monarch seniority and proximity of blood had great weight, but not the preponderance. Military talents outweighed civil accomplishments; the previous reception of the order of knighthood was an indispensable qualification to be elected; and any species of personal imperfection, or even casual deformity, created absolute ineligibility.\*

In viewing the long duration of the infelicity of Ireland since it has been dependent upon or connected with this country, it is impossible not to lay the largest share of its calamity to the ac-

\* The Irish annalists relate that *Cormoc*, in the third century, soliciting votes to be elected to the succession of *Mac Con*, *Fergus* king of Ulster, who wished to defeat his election, so contrived during the revelry, that *Cormoc* should set fire to his beard, by which he lost his election. It is to be noted, that in order to prevent the mischiefs of anarchy during elections, by the ancient constitution of Ireland, the successor was elected during the life of the reigning monarch.

count of that monstrous anomaly in politics *imperium in imperio*. The only radical cure has now been applied. The restitution of Ireland to soundness and even vigour of constitution now rests with Great Britain, which, since the union, is compelled, from policy and interest, to ensure the most beneficial effects to this national incorporation. Discovery facilitates the removal or weakens the power of every retardment or difficulty in the attainment of the end of this great object. By concentrating the prospective views of the distinct parts of the British empire into one general focus, many particular and local prejudices and prepossessions will vanish and die away, which have hitherto only existed by the circumstances of separation and independence. The numerous claims of royal lineage, which are seldom disannexed from wild convictions of rights to princely domain, and that especially in a sensitive and impoverished people, will ultimately vanish, when we look up to this change in the government of Ireland for the correction of the evil; an evil which originated in the earliest constitutions of their government.

The grand Milesian Monarchy was a model of the four great provincial and numerous other smaller kingdoms into which the island was subdivided. Besides the universal monarch of the island and the four kings of the provinces, there were kings of Offaly, Limerick, Cork, &c. So that every provincial sovereign had under him as many kings as there were septs or families of distinction within the province: and although we can form no other idea at present of these numerous roitelets or petty sovereigns, than mere lords of manors or tenants in *capite*, yet the effects of the national prejudices,\* unfortunately transmitted down by tradition, are as operative as if every such

\* We can discover no period of the Irish history, at which the family pride of the Irish was not attended with mischievous effects. The very wide scope of the Irish annals throws almost an appearance of romance upon the bare references to dates. Until the reign of the great *Tuathal*, of the race of Heremon, (A. D. 125.) few or none of the posterity of the Milesians ever submitted to trade or any manual labour, lest they should degrade their original, or bring a stain upon their family. For this very purpose they kept in the country a number of the Belgians and Dannonians (the former of which passed under the name of *Firl-bolgs*) in order to carry on these servile and mechanical occupations. But in the reign of *Tuathal*, tradesmen and mechanics, as well as artists of all professions, were put under the management of a committee, who had power to examine into their abilities, to reform all abuses, and to suspend such as by their unfairness or want of skill brought their occupations into discredit. So that, according to Dr. Warner (*Hist. of Ireland*, 225.) this pride has been so inherent from that time to this, that Bishop Berkeley has said, a kitchen wench in his family refused to carry out cinders, because she was descended from an old Irish stock. But in the reign of this monarch, when they saw the legislature take trade and manufactures under their protection, and that no person was allowed to exercise the arts without a licence from the committee empowered by the general assembly of the states, many of the Milesians condescended to follow some employment.

ancestor had been as powerful as Charlemagne. Disorders in states have elsewhere been raised by the relatives of the deposed or deprived sovereigns: but whether the attempts succeeded or failed, the effect was partial, not national, and died away as the royal lineage decayed either in number or power. But as in Ireland every individual of a sept, who bore the name, assumed the blood, and partook in some degree of the consequence and dignity of their chief sovereign or king for the time being, the effect of debasement and deprivation embraced a wider range, and grew into a national evil of the greatest magnitude. The actual indigence of an individual that perhaps might have been greater under the ancient than the present order of things,\* is contrasted against the ease and luxury of modern opulence; and the influence of poverty and pride upon an irritable and bold race is but too obvious. Whatever national predilections or prejudices can by any means be put down, when different nations become subject to a common sovereign, it is the undoubted policy of that sovereign to effect it without irritating the soreness which such changes are likely to create†. If the genuine origin of these national prejudices be to be traced, to paganism, not to christianity, we must resort.

The pretensions to the royal stock of sovereignty in Ireland were not the only grounds of this system of family pride and consequent presumption. Each king or sovereign had his order of chivalry, of which he was himself the chief: his high priest to superintend religion; his brehon or chief justice to expound the laws; his physicians, antiquarians, chief treasurer, marshal, standard-bearer, generals of horse and foot, &c. All these were hereditary honours in certain families, out of which the most distinguished and best qualified were elected to the particular appointments.

\* Formerly the lower class of the people, being in a state of villeinage, had no property. They belonged to the soil, which they cultivated, and were transferred with it, at the pleasure of their masters. At present there is no state so abject throughout the nation.

† It is most unaccountable, that to the religion which the majority of the Irish nation now professes, the effects of these national prejudices or prepossessions have been and still are attributed by English, and latterly even by some Irish writers. True it is, that the greatest part of the old Irish still profess the religion of their Christian ancestors; and true also is it, that the Irish nation is peculiarly tenacious of its old and accustomed habits and modes of thinking. Dr. Leland has informed us, *that they account their ministers of religion as more than human*. By these they are told, and they believe, that the religion which they received from St. Patrick, is what had been regularly transmitted to him from the apostles of Christ. The mere circumstance of professing the Catholic religion is as extensive and foreign from this national family pride or regal enthusiasm, as it is from any other distinctive traits of national character, whether they depend on the endowments of the mind or body. Thus long ere our reformation of religion was thought of, one of the O'Neals being told that Barrett, of Castlemore, an Englishman, and equally a Catholic with himself, had been there 400 years, he replied, that he hated the clown as if he had but come thither yesterday.



We have seen that in the agitation of some of the great national questions in Ireland during these last twelve years, the public mind has been worked up more without grounds than without malice into a dread of the principle of resumption, should the civil liberties of British subjects be imparted in common to the whole community of Ireland. True it is, that many of the illiterate Irish do entertain general confused convictions, that princely possessions should ever attend the royal blood that fills their veins. This general species of gregarian resumption, grafted upon the collective claims of septs or clans to certain districts, will upon close inspection and impartial investigation be found to refer only to the old tenures of *Tanistry and Gavelkind*, of which we shall speak hereafter, and by no means to the laws of England, which have for centuries regulated the descent of lands in Ireland: otherwise the resumption would be confined to the individuals, upon whom the law would in the supposed cases of resumption cast the inheritance, either by primogeniture or some other mode of descent. Now the only cry for resumption is ever supposed to arise from that cast of the natives, who have retained that national spirit with the delusive claims of royalty and domain, which could alone be realized by the redintegration of the old Brehon institutions.\* It goes not to touch the titles of any landed property, that was at any time put under English tenures.

The Irish law of *Gavelkind* differed materially from the law, which we so denominate in Kent. When any one died, all the possessions, real and personal, of the whole family, were put

\* The Earl of Castlehaven, who resided in Ireland during the whole of the rebellion in 1641, and for many years after its reduction, wrote Memoirs concerning the wars in Ireland, in order to rectify many errors, and contradict the numerous falsehoods of Dr. Borlase's publications on that and other subjects relating to Ireland, whose History of the Rebellion in particular Dr. Nalson, (*Intr. to 2 vol. of Imp. Coll. p. viii.*) says, is rather a paradox than a history; and that his distorted plagiarism of Lord Clarendon's manuscript "rendered him suspected not to be overstocked with honesty and justice, so necessary to the reputation of an unblemished historian. He wrote for the avowed purpose of defending the harsh government of his father, Sir John Borlase and Sir William Parsons;" and Nalson, as well as the Bishop of Derry, (*Ir. Hist. lib. 56.*) admits, that he continued Sir John Temple's partial and unfaithful memoirs, and wrote reflections upon Lord Castlehaven's Memoirs, as being openly and avowedly a favourite of the faction and the men and actions of those times. The Bishop of Derry quotes from Lord Castlehaven's publication, made in 1684, a private opinion of that nobleman upon the effect of these prepossessions, viz. that in his judgment, the only true and great motive to this rebellion (as well as to all others since the reign of Henry II.) was the old national feud, built upon an inflexible persuasion that the sovereignty and property of all the lands in the kingdom, by their unrepealed Brehon law, rested still in the surviving heirs of the *meer Irish* or *Milesian* stock. The noble memorialist was inattentive to the judgment of the King's Bench in the reign of James I. and did not seem aware that by strict law (though unobserved) the whole kingdom was then subjected to the common law of England.

together (or in hotch-pot), and divided anew amongst the survivors, by the head of the family, whom they termed the *Caunfinny*;\* bastard sons were admitted into this distribution, though all females, both wives and daughters, and of course more remote female relatives, were excluded from it; the division extended to the whole sept or race, by which means, many vested freeholds came upon such new partitions to be divested during the lives of the tenants. This law or custom was productive of one of the most pernicious prejudices, that can pervade the useful part of a community; it prevented whole septs or families, howsoever numerous and needy, from learning any trade, or turning mechanics, because they would be thus degraded, and the *Caunfinny* would in any future partition exclude such as had debased themselves by such abdication of their family dignity. Union seems to afford the final corrective, if there still remain such senseless and pernicious prepossessions.

The national division into septs or tribes, though natural to infant communities, was attended in the progress of population with the worst of consequences, and these were entailed upon the nation by the laws of† *Tanistry* and *Gavelkind*: of the latter I have already spoken; and by the former, successors were chosen during the lives of their ancestors, not only to their monarch and other kings, but also to their great state and other officers, which were elective within a given line of hereditary descent. There existed also a custom peculiar to Ireland, of giving out their children to be nursed by fosterers.‡ It extended for some years beyond the necessity of keeping the child at the

\* Le Canfinny, ou chef de sept (que fuit communement le plus auncient de sept) fesoit toutz les partitions per son dyscretion. Dav. Rep. 49.

† Sir John Davis reports very fully the judgment of the court of King's Bench in Ireland, 5 Jac. (p. 28.) by which they declared the custom of holding by *Tanistry* to be void by reason of its uncertainty, and on other grounds there specified. This judgment was given upon a special verdict found in ejectment between *Murrough Mac Bryen*, plaintiff, v. *Cahir O'Callaghan*, defendant. The custom or tenure of *Tanistry* was, that the lands so holden descended, *seniori & dignissimo viro sanguinis & cognominis* of the person who last died seized. The same reporter gives us the resolutions of the judges touching the Irish custom of *Gavelkind*, by which it was resolved and declared, *per tous les justices*, that the said Irish custom of *Gavelkind* was void in law, not only from the inconvenience and unreasonableness of it, but because it was a mere personal custom, and could not alter the descent of an inheritance by the common law of England. It is there said that formerly in Ireland every lordship or chieftry, with the portion of land that passed with it, went without partition to the *Tanist*, who always came in either by election, or *manu forti*, and not by descent; but all inferior tenancies were divisible among the males in *Gavelkind* (p. 49.)

‡ By this custom, says Sir John Davis, (Hist. Ir. 180.) "the potent and "rich men selling, and the meaner sort buying the alterage of their children: "and the reason was, because, in the opinion of this people, fostering hath "always been a stronger alliance than blood; and the foster children love and "are beloved of their foster fathers and their sept more than of their own natural parents and their kindred."

breast, and it consequently tended to strengthen the ties of affection and attachment which united the members of the different tribes or septs.\* It created an extraordinary fraternizing spirit amongst the Irish, unknown to other nations; and hence, in a comparative view of the different dispositions of the English and Irish, it has been observed, that there is more warmth of affection in Ireland for a foster brother, than in England for a brother by consanguinity.

The grand epoch of political eminence in the early history of the Irish is the reign of their great and favourite monarch *Ollam-Fodlah*, who reigned, according to Keating, about 950 years before the Christian æra. Under him was instituted the great *Fes* at *Teamor* or *Tarah*, which was in fact a triennial convention of the states, or a parliament, the members of which consisted of the Druids and other learned men, who represented the people in that assembly. Thus the monarch and the provincial and other kings, who had the executive power in their hands on one side, and the philosophers and priests, together with the deputies of the people on the other, formed the whole of this ancient legislature. When this great council was convened, previous to their entering upon business, they sat down to sumptuous entertainments for six days successively. Very minute accounts are given by the Irish annalists of the magnificence and order of these entertainments; from whence we may collect the earliest traces of heraldry that occur in history, and deduce that partiality for family distinctions, which to this day forms a striking part of the Irish national characteristic. In order to preserve order and regularity in the great number and variety of the members who met together on these occasions, when the banquet was ready to be served up, the shield-bearers of the princes and other members of the convention delivered in their shields and targets, which were readily distinguished by the coats of arms emblazoned upon them: these were arranged by the grand marshal and principal herald, and hung upon the walls on the right side of the tables, and upon entering the apartments each member took his seat under his respective shield or target without the slightest disturbance†. The first six days were not

\* In order to prevent the natural effects of fostering children, and by the crooked policy of those days, in the 28th of Henry VIII. ch. 28. it was made treason for any of the king's subjects within the land to marry or foster themselves, their children, or king's folk, within the fourth degree, or any of them to or with any Irish person or persons of Irish blood, which be not the king's true subjects, nor use themselves accordingly, though any such person or persons be made denizens. What ideas of oppression and inconsistency does not this statute afford, viz. the possibility of a king's subject being denized, and a prohibition of the intercourse of nature between the king's subjects?

† Nothing can give us stronger ideas of the early civilization of Ireland than to reflect upon the period of time, at which this regular system of heraldry and



spent in disorderly revelling and excess, but particularly devoted to the examination and settlement of the historical antiquities and annals of the kingdom: they were publicly rehearsed and privately inspected by a select committee of the most learned members. When they had passed the approbation of the assembly, they were transcribed into the authentic chronicle of the nation, which was called the register or psalter of *Tarah*. This singular caution to prevent the introduction of any falsity or misrepresentation into their national history, would have furnished posterity with the most authentic and interesting relations of this ancient and extraordinary kingdom, had not the Danes in their frequent ravages and invasions of Ireland, during the 9th and 10th centuries, burnt all the books and monuments of antiquity that fell in their way. We have still more to lament the shameful and fatal policy of our ancestors, who, from the first invasion of Henry Plantagenet down to the reign of James the First took all possible means of art and force to destroy whatever writings had by chance or care been preserved from

other literary institutions were established in Ireland; viz. 950 years before the æra alluded to by Caesar of the rude barbarism of the Britons. In this triennial assembly King Ollam Fodla (about 950 years before the coming of our Saviour) gave the royal assent to a great many good laws, and amongst the rest to one, whereby it was ordained, that every nobleman and great officer should by the learned heralds have a particular coat of arms assigned to him, according to his merit and his quality, whereby he should be distinguished from others of the same rank, and be known by an antiquary or person of learning, wherever he appeared, whether at sea or land, in the prince's court, at the place of his own residence, or in the field of battle. (The Bishop of Derry Ir. Hist. Lib. quotes Keating, p. 143.) The nature of this undertaking will not admit of minute critical disquisitions into the authenticity of several leading facts of the Irish history, which nothing but their extreme antiquity renders doubtful to the indolent, or fabulous to the unthinking. There is, however, a mass of evidence, which, when impartially weighed, boldly bids defiance to the fastidious and envious sceptic, and demonstrates the extreme antiquity of the Irish nation, and its colonization by the Phœnicians about 1000 years before the Christian æra. Without calling upon the submission of any one to a particular fact of the ancient history of Ireland, when we combine together the proofs of the Phœnician and Irish language being the same, the similarity of the old Irish and Carthaginian military weapons, the concordance of the Greek and the Irish accounts of the names and productions of the island, the coincidence of the bards and historians as to the number of their kings, the reference of their earliest bards to long pre-existing usages, which confirmed by names and terms which have survived those usages, prove their former existence, the very fabulous allusions of their bards or poets to the names of monarchs who find their regular places in the lists of the most accurate and attentive annalists, the accuracy of computation upon the lives and number of their monarchs to fill up the space of time attributed to the continuance of their royal lineage, the physical discoveries of their very ancient cultivation, the extreme probability of all the leading coincidences, the attempts of their conquerors to eradicate all the vestiges of their antiquity and splendour, the testimony of strangers as to the belief of the natives, and the very traditions of a people who have preserved their language for 3000 years, all tend to raise a monument of historical veracity, which ignorance, prejudice, malice, envy, or traduction, will never be able to overturn.



the destructive hands of the Danes.\* They imagined, that the perusal of such works kept alive the spirit of the natives, and kindled them to rebellion by reminding them of the power, independency, and prowess of their ancestors. The public mind upon this subject has been long changed: two centuries have gone by, since Sir John Davies said, that "had this people been granted the benefit of the English laws, it would go infinitely farther towards securing their obedience, than the destruction of all the books and laws ever published in this kingdom.".... We have happily lived to see a legislative union of the two countries, which will, it is trusted, by the natural workings of the British Constitution, go further in three years towards the destruction of national prejudice and disaffection, than a mere communication of laws did in three centuries.†

Notwithstanding this legislative caution against historical prostitution, few histories are so charged with fable, as the *Annals of Ireland*. For besides such historiographers, as submitted their productions to the investigation of the *Fes*, every family of consequence retained bards to celebrate and record their actions, who from the very nature of their dependant situation could not be expected to administer that historical justice, which the state historians were necessitated to do, as being pensioned by the public, and subjected to the authority of the triennial convocation. These private histories being written in verse, admitted of all the aids of poetical fire and fancy, to raise, flatter and provoke the passions. Large and ample revenues were assigned to the public heralds, physicians, harpers and bards: and although they were hereditary, yet, as before observed, the eldest son did not regularly succeed to the employment and estate, unless he were the most accomplished of his race in his particular profession.

To this day the native Irish have a peculiar taste for music and poetry: every excellence and extraordinary talent is with them still holden in the highest estimation; as it formerly was rewarded with emolument and honour. Anciently the arts of poetry and music were cultivated by the Irish (or *Scots* as they were then called) to a degree of extravagance. The manners of the people were engrafted on this stock. The arts themselves were considered to be of divine original, and ignorance of them was judged a sufficient exception to a man's elevation to any important service or dignity in the state. The history of their nation, all the placits or acts of their legislators, and all their systems, philosophical, metaphysical and theological, were con-

\* The like was done in Scotland under our first Edward.

† In the middle of the last century Bishop Berkeley observed "though it is the true interest of both nations to become one people, yet neither seem apprized of this truth." Warn. Hist. p. 30.

veyed in the harmony of sound and verse. Such subjects formed the chief diversion of their festive hours. They were sung by their princes' bards and crotaries with vocal and instrumental accompaniments.\* Besides the other duties of their profession the bards acted as heralds: clad in white flowing robes, and accompanied by musicians, they marched with the chiefs at the head of their armies, which they animated by martial strains, sung to harp accompaniments. They sung also the funeral panygyrics of such as fell honourably in battle. The excellence of the Irish in† athletic accomplishments has through all ages been proverbial. The variety of revolutions, convulsions, distresses and oppressions under which Ireland has at different times laboured, prevents us from tracing any uniform national taste or disposition for the cultivation or improvement of the soil.‡

\* A national style or character of music is the most incontestible proof of the nation's disposition to harmony. Cambrensis, the determined enemy of the Irish nation, says notwithstanding, *of all the nations within our own knowledge, this is beyond comparison the first in musical compositions.* Ann. 4. Mag. This was said some centuries back. Geminiani, that great master of harmony, has more recently affirmed, that he found no music on this side of the Alps so original and beautiful as the Irish airs. O'Con. D. p. 72.

† All athletic accomplishments will be cultivated in proportion to the encouragement given to them by public institutions. Long before the Christian æra one month was dedicated to gymnastic exercises in every year, and that they might be the more generally frequented, the finest season of the year was chosen for this purpose, viz. from the middle of July to the middle of August, which in Ireland is as early as the harvest usually begins. They consisted of all sorts of military exercises, horse and foot races, wrestling, and other such contests of strength and art. They were holden at *Tailton*, in *Meath*, and were established by one of their favourite monarchs, *Lugha Lam Fada*: and the first of August is to this day called in Irish *La'b Lugh Nasa*, which means a day devoted to the memory of *Lugha*. See *Keating* Reign of *Lugha* and *Ogyg*, 3 pt. c. 13.

‡ Hence the old Irish saying, that *Ireland was thrice under the ploughshare, thrice it was wood, and thrice it was bare.* The historical relations of the former population, cultivation and natural opulence of this island, need no other proof than the various discoveries of their ancient relics, which stamp them with an authenticity, that baffles all scepticism, ignorance or malice. Many unsatisfactory conjectures have been made of the original causes and formation of bogs in Ireland; every hypothesis which goes to account for them from the conflux of rain, river, and spring waters rotting and rendering the surface of the soil spongy, or from the neglect of cultivation, or any other gradual cause, seems untenable, if we credit the daily discoveries made under the boggy substance, of every species of trees, always lying in the same direction (from west to east) hazle trees in full bearing, the furrowed relics of tillage, culinary utensils still filled with unctuous substance, all sorts both of military and civil implements useful and ornamental, of massy gold, silver, brass and composition, all of equal and great antiquity: all which circumstances bespeak some sudden convulsion of nature, and that in the summer season, which overwhelmed the country and at once encrusted the then cultivated surface, with all that was upon it, with this spongy substance, the careful removal of which at this day demonstrates a former state of cultivation and opulence. The silence of all historians upon such a sudden calamity or visitation of God upon the land, is certainly a strong presumption against this hypothesis. And that

The obscurity of the first period of the History of Pagan Ireland was put an end to by letting in the light of the Gospel: for with the introduction of Christianity a new set of historians or annalists sprung up, new repositories of learning were established, foreign connections were much extended, and the learned languages were brought into use. It is to be lamented, that the Christian spirit of candor and truth has so little influenced most modern historians of Christian Ireland. Suffice it to state, what is indeed asserted by all ancient authors and admitted by the most respectable modern writers, that St. Patrick was sent\* by Celestine Bishop of Rome to preach the Gospel to the Irish, together with twenty assistants eminent for their virtue and learning.† Under the blessing of God, St. Patrick and his coadjutors applied themselves with the utmost assiduity to the work of their mission; and their success exceeded all human expectations. In no land did the Gospel make such rapid progress; in none was it so slightly opposed at it's first introduction. The people, says an historian, received the doctrines of Christianity with a spiritual sort of violence. Those, therefore, who discover the

Ireland formerly superabounded (as it certainly still does, if properly explored and worked) with gold, silver, lead, tin, copper, coals and other minerals, is incontestable from the discoveries of half-worked mines, and the solidity of implements of gold and silver constantly discovered; the laws for the annual or occasional payment of given quantities of gold and silver; the concurrence of all ancient historians and constant recent appearances, insomuch that the parliament of Ireland in 1796, voted 1000*l.* to be applied towards making an experiment for working a gold mine in the mountains of Wicklow. 36 Geo. III. c. 1. s. xxxi: Many pounds of pure gold having been washed down from these mountains about that time.

\* Whether or no it pleased the Almighty to confirm the preaching of this apostle of the Irish by all or any of the signs and prodigies, which are recorded in the early history of his mission is irrelevant to the scope of this history to examine. But it is material to know, that the faith which was preached by St. Patrick to, and received by the Irish, was, that which is now denominated the *Roman Catholic Faith*. It could in fact have been no other. For St. Patrick received his Christian Education, as well as his *Surname Patricius* at Rome: nor is it to be presumed that Pope Celestine sent St. Patrick to preach other doctrines, than what he himself maintained: and what these were may be easily collected, not only from the writings of St. Patrick and some of his co-apostles in that country, but from those of his cotemporaries, Sts. Hierome, Ambrose, Augustine, &c. &c. After the introduction of Christianity and the establishment of a regular Hierarchy throughout the island, the communication of Ireland with Rome became, by the intervening distractions of the continent, less frequent than it had been. In about two centuries after the establishments made by St. Patrick, there broke out a sort of schism between the Church of Ireland and the Church of Rome, not indeed upon any dogmatical points of faith or religion, but upon the mere point of Ecclesiastical Discipline, as to the mode of computing the time for celebrating Easter. After some contention the Irish Church submitted to the Roman Ordinance. The native Irish boast that never since this difference has the Irish Hierarchy been interrupted.

† Dr. Warner admits that *he went to Rome to be consecrated for his mission*. Hist. 273. St. Patrick flourished in the 5th century, and was cotemporary with St. Augustine, St. Ambrose, &c.



hereditary traces of a national spirit under the various modifications, which time produces, will not wonder, that what the nation so received, it should adhere to with a violent sort of tenacity: and it is certainly a political axiom, that tenderness and even reverence are to be paid to the conscientious convictions of a people, be they what they may.

Whether the facility, with which the first Christian missionaries propagated their divine doctrines, were in any manner owing to the superior state of letters and other civil cultivation in Ireland, is now difficult to determine. It has indeed been said, that Christianity ever met with the least opposition from the most learned and civilized nations. But how does this accord with the persecutions from heathen Rome? Certain it is, that Christianity was introduced into Ireland with less change or violence to the civil institutions of the country, than in any instance recorded in history; and it is truly singular, that within the short space of five years after St. Patrick had opened his mission, he was summoned to sit and assist in the convention or parliament of Tarah. He was appointed one of the famous Committee of Nine, to whom was intrusted the reform of the ancient Civil History of the Nation, so as to render it instructive to posterity. Literary establishments had subsisted in Ireland from the most remote antiquity: and it has been before remarked, that talent and science had ever been in the highest estimation with the Irish nation: it may not then be unfair to conclude, (barring any extraordinary interposition of the Deity) that had not these missionaries particularly exerted themselves in their attentions to erudition, their proselytes would have been less numerous, less tractable and docile than they were. Christian schools and seminaries were established in opposition to those of the Druids: and as Paganism declined, they multiplied and flourished; inso-much that from the 5th to the latter end of the 9th century the Irish nation was preeminently distinguished above all the nations of Europe, as the first seat of literature and science. When we consider, that since Ireland has become connected with, or rather subjected to England, it has ceased to perform the part of a nation on the political theatre of the universe, we bring our minds with difficulty to believe the accounts of her leading eminence on that very theatre before such connection or subjection took place. However, natives, foreigners, friends and enemies, all in perfect unison, extol the præexcellence of that learning of the Irish clergy, which attracted the youth of the most respectable families of every nation in Europe, to their seminaries for education. Venerable Bede, not only confirms this as to his own countrymen, the Anglo-Saxons, but records an instance of national generosity and hospitality in the Irish, which stands single and unprecedented in the annals of mankind. Such of

our ancestors, as went over to Ireland either for education, improvement or for an opportunity of living up to the strictest ascetic discipline, were maintained, taught, and furnished with books without fee or reward.\* In Ireland did our great Alfred receive his education. Bede informs us that the Anglo-Saxon King Oswald applied to Ireland for learned men to teach his people the principles of Christianity. And a foreign writer† under the French monarch Charles the Bald, says; “why should I mention Ireland? Almost the whole nation despising the dangers of the sea resort to our coasts with a numerous train of philosophers.” In the 7th century the Emperor Charlemagne paid a just tribute to the celebrity of the Irish monarchy, by honouring their sovereign with his alliance and friendship.‡ This state of preeminence which Ireland so long enjoyed§ amidst all the nations of Europe, shews to what a degree of consequence she is capable of rising, when her native energies and

\* “A most honourable testimony,” says Lord Littleton, “not only to the learning, but also to the hospitality and bounty of that nation.” It would be unjust not to notice that innate spirit of hospitality, which distinguishes the Irish nation from all others. For even to this day amongst the poor natives, so universally does this system of hospitality prevail, that a traveller enters the cabin he arrives at, and sits down with as much ease and confidence as he would at home; and is sure of a cordial welcome to a participation of whatever it affords. There was an old Brehon law against septs suddenly breaking up their establishments, and emigrating to other parts of the country, lest the stranger and traveller might be disappointed of that reception and entertainment, which the law presumed them entitled to by a claim of social nature. It is the custom to this day with the native Irish peasants, to unlatch and open the door of their cabins whenever they sit down to what they call a meal. This amiable and magnificent principle of hospitality is more discernible in the frank participation of the homely fare of the cabin, than in the ostentatious display of refined luxury, which, in the higher orders, has taken place of that genuine principle of benevolence. Leland observes, the Christian clergy were particularly careful to inculcate this value of hospitality. Prelim. Dis. xxxi.

† Henrick of St. Germain.

‡ A monument of which was preserved in tapestry in the late palace of Versailles, in which the King of Ireland with his harp was in the row of princes in amity with that emperor.

§ There happened about the year of our Lord 1418, a very notable transaction, which proved the high estimation in which the kingdom of Ireland then was, and ever had been, holden by the learned of Europe. At the council of Constance the ambassadors from England were refused the rank and precedence, which they claimed over some others; they were not even allowed to rank or take any place as the ambassadors of a nation: the advocates for France insisted, that the English having been conquered by the Romans, and again subdued by the Saxons, who were tributaries to the German empire, and never governed by native sovereigns, they should take place as a branch only of the German empire, and not as a free nation; for added they, “it is evident from Albertus Magnus, and Bartholomew Glanville, that the world is divided into the three parts, Europe, Asia, and Africa (America had not then been discovered): Europe was divided into four empires, the Roman, the Constantinopolitan, the Irish, and the Spanish.” The English advocates admitting the force of these allegations, claimed their precedence and rank from Henry’s being Monarch of Ireland only, and it was accordingly granted. O’Hal. 1. v. 68.

powers are not crossed by internal divisions, or damped by foreign power, oppression, and intrigue. What but union with Great Britain could so effectually withdraw the checks and obstacles too long thrown in the way of Irish greatness, and effectually stimulate that people to emulate their pristine glory?

Ere I conclude this chapter, historical justice demands the refutation of a charge generally preferred against the Irish, of lawless intractability. I wish the imputation originally lay as much in ignorance, as in malevolence. In no nation of the earth, but Ireland, have we witnessed that the arts and sciences have flourished amidst the horrors and devastations of war. This was owing to the reverence and esteem, in which the Irish ever held the professors of the polite arts and sciences, and the ministers of religion. In like manner did they revere and hold as sacred the administration of justice. Even a constant intestine war of 400 years, nourished and kept alive by different English deputies, could not erase those exalted principles. Finglass, chief baron of the exchequer in the reign of Henry VIII. says, "that the English statutes passed in Ireland are not observed 8 days after passing them, whereas those laws and statutes made by the Irish on their hills, they keep firm and stable without breaking them for any favour or reward." Sir John Davies, who had still better opportunity of knowing the Irish (as being the first English justice, that ventured on circuits out of the pale, assures us, "that there is no nation under the sun, that love equal and indifferent justice better than the Irish; or will rest better satisfied with the execution thereof, although it be against themselves." This must be considered as the testimony of an enemy, written at the conclusion of a most bloody war for 15 years, and therefore more pointedly clears the Irish of this unfounded accusation. The additional testimony of Sir Edward Coke, whose candor did not on all occasions keep pace with his learning, shall close this chapter:\*

"For I have been informed by many of them, that have had judicial places there, and partly of mine own knowledge, that there is no nation of the Christian world, that are greater lovers of justice than they are, which virtue must of necessity be accompanied by many others."

\* 4 Inst. 349.



## PART I.

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### OF THE STATE OF THE IRISH FROM THE INVASION UNDER HENRY PLANTAGENET TO THE REFOR- MATION OF RELIGION UNDER HENRY VIII.

THE object of the preceding chapter was to represent the state of Ireland, and the native powers, disposition, and character of the Irish, independently of any connection with England. We have seen the Irish to be a people endowed with great powers both of mind and body, of quick sensibility and impetuous retort, lovers of the arts and sciences, and enthusiastic encouragers of talent, devotees to religion and its ministers, warlike, brave and prodigal of life, inflated with the pride of ancestry, and violently led away with those national prepossessions, which, whilst they operate self-love and esteem (by some called *patriotism*) on one hand, seldom fail of producing contempt or hatred of foreign nations on the other. In a word, we have seen them a people super-eminently gifted by nature with all those active principles of public virtue, which, when properly directed, ensure the attainment of national happiness, prosperity, and consequence. But it has ever been the bane of Ireland to be distracted with internal discord. This part comprises a period of nearly 400 years; and it demands our peculiar attention, inasmuch as it was a long test of the mutual disposition and relative conduct of the two nations of England and Ireland to each other, whilst both professed the same religion. It is the more necessary to be closely attentive to this circumstance, by how much Ireland, in latter days, has suffered on the score, under the pretext or by the abuse of religion. No convictions, no prepossessions on any side can be so violent, as to preclude the most poignant grief, that the sacred cause of religion should have been so often perverted to ends diametrically opposite to its benign institutions.

The latter part of the Irish history, immediately preceding the invasion of that kingdom by the English, presents to us a continued scene of intestine dissension, turbulence, and faction. About the year of our Lord 1166, Roderic O'Connor, who was of the house of Heremon, and therefore of undoubted *Milesian* stock, was raised to the monarchy, and generally submitted to by the whole kingdom. His prospect of a happy and peaceful

reign was soon clouded by the revolt of several of the petty kings or princes, who had sworn allegiance to him. Scarcely had he reduced them to obedience, when he was called upon by O'Rourke, king of Breffny, to assist him in avenging himself of Dermot, king of Leinster, by whom he had been grossly injured. Whilst O'Rourke was absent on a pilgrimage (a fashionable devotion in those days), his wife, who had long conceived a criminal passion for the king of Leinster, consented to elope, and lived with him in public adultery.\* O'Rourke succeeded in rousing the monarch to avenge his cause, and immediately led a powerful force to his assistance. The whole kingdom took fire at the perfidy and iniquity of Dermot, who looked in vain for support from his own subjects. He was hated for his tyranny, and the chieftains of Leinster not only refused to enlist under his banner in so iniquitous a cause, but openly renounced their allegiance. Dermot thus deserted by his subjects was enflamed with rage at the disappointment, and resolved to sacrifice his all to personal revenge. Unable to weather the storm that was gathering, he took shipping, secretly, and repaired to Henry II. who was then in France, for protection and revenge.

It would be foreign from my purpose to notice the various accounts of different annalists, as to the precise date of the elopement of O'Rourke's wife; the flight of Dermot to Henry the Second; the first views and intentions of our monarch in invading Ireland; or those curious donations or crusading grants of the kingdom of Ireland, from Adrian IV. and Alexander the Third† to the English monarch: suffice it to say, that few or no misfortunes have befallen that country, from this period, whereof on some side or other the abuse of religion has not aggravated the calamity. The year of Christ 1152 is the epoch at which all our writers, from Archbishop Usher down to Dr. Leland, fix the full and unequivocal submission of the Irish Church to the See of Rome.‡ Usher has laboured to prove a difference

\* Abstractedly from the breach of morality, the Irish annexed the highest importance to conjugal infidelity; for as purity of blood was one of the fundamentals of their constitution, accordingly the offering violence to a woman, so early as the reign of their great and wise monarch Ollam Fodlah, was made punishable with death, and out of the power of the monarch to pardon.

† Vide Appendix, No. I.

‡ Dr. Leland says, p. 7. *Thus was the correspondence opened with the Church of Ireland, and the preeminence of Rome formally acknowledged.* From the unaccountable and perhaps unjustifiable purport of this bull, breve, or letter of Adrian, by which he gave Ireland to Henry the Second, some Catholic writers have conceived it impossible that it should have really issued from the Vatican. Father Alford, an English jesuit, strongly denied its authenticity (Bow. Hist. of Popes, 6 vol. 108); and Abbe Gheoghegan most strenuously laboured to prove it a forgery, from a variety of reasons, which he works up into a dissertation upon the subject. One of the chief grounds of his assertion is the profligate character of Henry, which rendered him unfit for an apostle. He contends that the pope was misinformed as to the state and cultivation of

in the Irish Church from the Church of Rome, before this period, in doctrine, discipline, and communion; yet he and all other writers admit that from the assembly at Kells (some say Drogheda), at this period, where there were 3000 of the clergy convened, as an unequivocal mark of their entire union and communion, in all things, with the See of Rome, the four archbishops of Armagh, Dublin, Cashel, and Tuam, received the pall from Cardinal Paparon, who was admitted into Ireland with a legatine commission; and from thenceforth the Irish prelates formally submitted to, and recognised the spiritual supremacy of the bishop of Rome.

Imagination can scarcely invent a pretext for the bishop of Rome's exceeding the line of his spiritual power, by the formal assumption of *temporal* authority over independent states. Such acts of power have, however, been most unwarrantably exercised by the Roman pontiffs, and most unaccountably submitted to by temporal sovereigns. Adrian IV. was an Englishman, and therefore the more blameable in prostituting the spiritual supremacy to the wicked purpose of forwarding the ambition of his own sovereign. The Irish nation, however, drew the true line of demarcation between the spiritual and temporal power, by resisting this mock donation of the kingdom to a foreigner; a distinction which the nation has generally made, but which before the accession of his present majesty it had not been allowed to give earnest of upon oath. If any thing can strongly paint the abusive profanation of religion, it certainly is Henry's attempt to gloss over with the sanctified varnish of spiritual sanction the infamous support of an adulterous tyrant, and the more iniquitous efforts of his own ambition and usurpation. Possibly King Henry may have relied more upon the devotion of the Irish to the Roman mandate than upon the power of his arms. In the first, he was disappointed; and he would have failed in the latter, had Ireland been united in itself.

Dermod made a most humiliating address and a canting representation of his sufferings to Henry, whom he found in Aquitaine; promising, that if through his powerful interposition he should recover his lost dominions, he would hold them in

religion in Ireland: and he also combats his holiness' assumption of a right to dispose of all islands that ever had received the light of Christian faith; and concludes that it was a forgery from its not having been published till the year 1171, notwithstanding it bears date in December 1154. (*Vide Geog. Hist.* 1 vol. 438 to 462.) The pontificate of Adrian lasted only about five years, viz. from the 3d of December, 1154, to the 4th of September, 1159. The Abbe also draws another reason in support of his favourite thesis from its appearance in Baronius without a date. But, assuredly, an author of Baronius's credit and respectability, possessing the readiest means of ascertaining the truth, never will be suspected of having published a forgery as an authentic act of the sovereign pontiff.



vassalage of Henry and his successors for ever. This fell in with the ambitious views of our monarch ; but his affairs being then too much embarrassed to allow him to undertake any enterprise in person in favour of the guilty fugitive, he encouraged Dermod by promises of vigorous support, and gave him in the mean time letters of credit and service to such of his subjects as should be ready and willing to assist him in the recovery of his dominions. With these recommendations and credentials, Dermod repaired to Bristol ; which in those days was the chief port of communication with Ireland. Here he engaged with Richard Earl of Pembroke, surnamed *Strongbow*, to give him his daughter in marriage, and settle his kingdom upon him, in case, by his assistance, he should regain possession of it. To Robert Fitz-Stephens and Maurice Fitz-Gerald he promised the city of Wexford and the adjacent country, on the like condition of success. The spirit of adventure, backed by the encouragement of the king (who intended to avail himself of the successes of these adventurers to acquire a permanent footing in Ireland), induced Strongbow and his co-adventurers to prepare a respectable force for supporting the efforts of Dermod to regain possession of that territory, out of which they were to reap so luxuriant a harvest. Dermod, in the mean while, went over in disguise and spent the winter in the monastery at Ferns, which he had founded ; there he busied himself in preparations for the intended invasion and waited the return of the spring, when the promised succours were to be sent out from England. They did arrive ; and, by a most unexpected turn of fortune, Dermod was reinstated in his ancient rights. Various are the statements of the British forces landed in Ireland on this expedition. None extend them beyond 3000, including the friends and adherents of Dermod who joined them after their landing. It is to be remarked, that this prince, notwithstanding his tyranny and flagitious conduct rendered him odious to the steady and thinking part of his subjects, yet being of a comely and robust stature, of athletic powers and boisterous intrepidity, he was much favoured by the lower classes, by which such personal accomplishments are highly prized : these persons he was anxiously careful to flatter, favour, and protect. His ambition also prompted him to secure the favour and countenance of the clergy (under whose guidance he considered the lower order of the people constantly to move), by bounties, largesses, and foundations, which he substituted for those acts of benevolence and virtue, that ought alone to have ingratiated him with this select order. These were the instruments upon which he rested his ambition, and ultimately they did not fail him. It is painful to read the instances of inhumanity by which the English adventurers violated their treaties, and defiled their victories by the massacre of their prisoners. The personal

presence of Henry II. and the several aggressions of *Strongbow* with fresh reinforcements under Henry's reign, all ended in making some colonial lodgments on the sea coast, and instilling into the natives a dread of the English arms and discipline, and a hatred of their name and race. So says Sir John Davies ;....  
 " he (Henry) departed out of Ireland without striking one  
 " blow, or building one castle, or planting one garrison among  
 " the Irish ; neither left he behind him one true subject more  
 " than those that he found there at his first coming over, which  
 " were only the English adventurers spoken of before, who had  
 " gained the port towns of Leinster and Mounster, and posses-  
 " sed some scopes of land thereunto adjoining, partly with  
 " Strongbow's assurance with the land of Leinster, and partly  
 " by plain invasion and conquest. And this is that conquest of  
 " King Henry II. so much spoken of by so many writers, which  
 " though it were in no other manner than is before expressed,  
 " yet is the entire conquest of all Ireland attributed to him."

It is usual with most of our writers to represent the force which these adventurers landed, in such formidable colours, as if nothing in Ireland could withstand it ; but every day's experience teaches us the incalculable advantages of discipline over numbers, strength, and valour. The Irish nation cannot be said to have opposed this invasion ; some Irish families, indeed, did oppose it ; and because they opposed it separately, they were separately defeated. After the siege of Dublin, Roderic O'Connor had disbanded his army, when O'Rourke, with his own clan of Breffny, made a vigorous assault upon the town ; the spirit of which, says Leland,\* proved that the forces of one Irish chieftain, united and obedient, were really more formidable than much more considerable numbers collected from different provinces, without mutual harmony or subordination. It is admitted on all hands, that several chiefs sent over deputies to invite Henry to Ireland : the men of Wexford, O'Bryan of Thomond, and all the inferior chiefs of Munster, vied with each other in the alacrity of their submission.

This æra of the Irish history exhibits the singular phænomenon of the Irish in the very meridian of papal ascendancy in their country, which had been so firmly and so recently rivetted at the convocation of Kells, publicly disregarding a bull from the Holy See, and fighting against the invader, who came armed with the plenitude of the high pontifical authority. Although, however, the Irish clergy of that day were too wise, and too honest, to permit their flocks to submit to this stretch of temporal power in the supreme bishop, by *receiving him* (the invader) *honourably, and reverencing him as their Lord* ; yet if we may

\* Vol. I. p. 65.

be allowed at this distant period to combine facts and narratives, the consequence will be a fair suggestion, that this papal bull produced a certain effect upon the clergy, which rendered them less adverse to the pretensions of the Norman invader, than they otherwise would have been; for at the very critical moment when the preparations and plans of Roderic seemed to ensure the total subjugation of the kingdom of Leinster, and the consequent discomfiture of the invading ally of Dermot, then the clergy, in a body, waited on Roderic; and, prostrating themselves before him, besought him to have pity on the country, and stop the further effusion of Christian blood. Through their intercession he commenced a truce, and at length granted peace to the king of Leinster on very advantageous terms: for by it the latter was reinstated in his dominions in as ample a manner as they had been enjoyed by any of his predecessors; he engaging to dismiss his foreigners and pay to O'Rourke 100 ounces of gold for the injury he had received; and for the faithful performance of these conditions, he put into the monarch's hands his natural son and six of the principal of his nobility.

Without attempting a detail, much less a disquisition into the nature, dates, motives or causes of the different events which ensued during the reign of Henry, upon which the Irish annalists are much at variance, it will suffice to notice generally, that the princes of Munster were the first who set the example of submission to their countrymen. The king of south Munster did homage there to Henry for his country; and the king of North Munster did the same, soon after, at Cashell. The English sovereign also received the homage of Strongbow for the kingdom of Leinster, and the submission of the nobility of Leinster, and of the Ossorians in Dublin. Roderic, the monarch, though still at the head of a powerful army, met Henry on the banks of the Shannon; and although nothing were finally concluded upon at this interview, it gave rise to the treaty of peace soon after made at Windsor; and signed by the archbishop of Dublin, his chancellor, and the archbishop of Tuam, on the side of the Irish monarch, and by Henry's ministers on the side of England.\* We cannot collect from history the particular views and motives for the homages and submissions which Henry received before his return to England. The treaty of Windsor certainly goes no further than a tributary acknowledgment of Henry as lord paramount; Roderic preserving allegiance to Henry, and retaining the kingdom of Connaught with the same rights of royal sovereignty he enjoyed before Henry

\* Vide this treaty, App. No. II. The kingdom of Ulster was not included in, or affected by this treaty, or any of the anterior submissions or homages,



had landed in Ireland. This, in truth, appears to be the extent of Adrian's bull; and I cannot refrain from attributing the ready submissions of so many Irish kings and chieftains to the secret influence of the clergy, who might wish by any means to prevent a rupture with the See of Rome. I am the more confirmed in this idea from the language of that very bitter Memorial or Remonstrance presented by the Irish chiefs to Pope John XXII. in the reign of our second Edward, when they called over Bruce from Scotland to reassume the monarchy of Ireland, and put an end to the English power in that island.\* After having referred to a long string of their monarchs who had sacredly preserved the Catholic faith, in the purity in which they had received it from St. Patrick, and who without any mixture of foreign blood had continued to reign in Ireland till the year 1170, it continues: "And those kings were not Englishmen, nor of any other nation but our own, who with pious liberality bestowed ample endowments in lands, and many immunities on the Irish Church; though in modern times our churches are most wantonly plundered by the English, by whom they are almost entirely despoiled. And though these our kings so long and so strenuously defended against the kings and tyrants of different regions the inheritance given them by God, preserving their innate liberty at all times inviolate, yet Adrian the Fourth, your predecessor, an Englishman, more even by affection and prejudice than by birth, blinded by that affection and the false suggestions of Henry II. king of England, under whom, and perhaps by whom St. Thomas of Canterbury was murdered, gave the dominion of this our kingdom, by a certain form of words, to that same Henry II. whom he ought rather to have stript of his own on account of the above crime. Thus omitting all legal and juridical order, and alas! his national prejudices and predilections blindfolding the discernment of such a pontiff, without our being guilty of any crime, without any rational cause whatever, he gave us up to be mangled to pieces by the teeth of the most cruel and voracious of all monsters," &c. Allowing largely for the irritation which embittered the language of these Irish remonstrants

\* This effort to regain the kingdom of Ireland was defeated, in the loss of the famous battle of Athunree in the year 1315: it was the most bloody contest that ever took place between the two nations; it happened on the 10th of August, and continued through the whole day from the rising to the setting sun. The Irish attacked with the most ferocious impetuosity; but they were neither aimed nor disciplined: they were rather headed than commanded, by Felim O'Connor. Such was the enthusiasm of his army, that above 10,000 of them fell in the field; amongst which were twenty-nine subaltern chiefs of Connaught. Tradition states, that after this decisive battle, the O'Connor family, like the Fabian, was so nearly exterminated, that throughout all Connaught not one of the name remained (except Felim's brother) who was capable of bearing arms.

against the oppression of the English, it is impossible not to conceive, that unjust as the bull of Adrian was, yet it certainly operated in a great degree towards forwarding the submissions made to Henry.\*

There can be no other reason for referring the reader to these remote periods of the Irish history than that of enabling him to form a comprehensive and comparative judgment of the great benefit conferred upon that country by its union with Great Britain. From these he will see how every other system than that of a legislative union deviated from the principles of the English constitution; how the arrogance of conquest begat oppression, how oppression engendered hatred and implacable revenge: from these he will learn that the native diffidence, jealousy, and hatred which the Irish shewed for so many centuries towards the English, originated not in the difference of religion; for even in the heat of the two last centuries they never were mounted to a higher pitch, and never were acted upon more uninterruptedly, than during that long space of nearly 400 years, during which both nations professed the same religion.

Henry having succeeded so far beyond his expectations, ingratiated himself with the chiefs, who had submitted to him, not only by promises of protection and aggrandizement, but by magnificent presents. Had he in fact faithfully complied with what he very judiciously engaged to perform, and secured to this people the constitution and laws of England,† which he made them swear to observe and uphold, no revolution could have been more fortunate for the nation; none more glorious to the monarch. But Henry thus early set the fatal example of perfidy and oppression to the Irish. In lieu of his promises of future

\* This is pointedly corroborated by a letter of the King of Ulster to Pope John XXII. in which he says: "Your predecessor Adrian IV. who was by birth an Englishman, instead of punishing Henry for invading the rights of the church, and the murder of the archbishop of Canterbury, has delivered up our nation as a prey to his countrymen, or indeed rather to monsters, whose cruelties are unparalleled." And "During the course of so many centuries (continues the prince) our sovereigns, jealous of their glory, never would suffer their independence to be called in question. Invaded more than once by foreign powers, they wanted neither courage to attack, nor force to repel their enemies, and give freedom to their country. But that spirit, which they opposed to force, they would not to the simple decree of Adrian your predecessor." No other observation is to be made, than that the clergy at the time were ashamed to avow the consequence they really annexed to this crusading commission of Adrian, and that cotemporary and subsequent historians either overlooked, suppressed, or disclaimed it. *Scoto-Chron.* Vol. III. p. 908.

† This was done at the great council of Lismore, where says Mat. Paris, *Leges Angliæ sunt ab omnibus gratanter acceptæ*. It is also recorded by some, that at this council the bull of Adrian was read and approved of. A circumstance which bespeaks too prompt a submission of the clergy to the power of the day, but which fully justifies the observations already made upon the effects of that bull.

favours to the chieftains, he dispossessed them of their honours and territories, and granted them out with the arbitrary prodigality of a conquering despot to his Norman adventurers, whom he raised at the same time to the rank of feudatory princes. Thus unfortunately was laid by the hand of power the corner-stone of that rancorous animosity, which has withstood the revolutions of six centuries, to be laid at last by the soothing powers of an incorporate union. The natives, as was to be expected, disappointed of their hopes, and stripped of their property and consequence, endeavoured to re-enter their several countries by force.\* Thus was the kingdom reduced to a more grievous state of warfare and anarchy than it had ever suffered even under the Danes. England, which by uniting at that time with Ireland, would have acquired incalculable advantages, was in fact a sufferer by the accession of a country, which kept her for the space of 400 years in constant alarm, expence, and warfare.

Notwithstanding the nominal or pretended conquest of the whole kingdom of Ireland by Henry II. and the grant and confirmation thereof by the Popes Adrian and Alexander, the truth is, that the English power and authority during the reign of Henry II. was confined (and it so continued for above 400 years) to a certain district afterwards called the *Pale*. This comprised the counties of Dublin, Kildare, Meath, and Uriel, with the cities of Waterford, Cork, and Limerick, and the lands immediately surrounding them. Over the other parts of the kingdom, which were without the *Pale*, neither Henry II. nor any of his successors, until the reign of James I. either had or even pretended to claim more than a naked sovereignty, marked by nothing else than a formal homage, an inconsiderable tribute and an empty title. Insomuch that Sir John Davies says, that † “England never sent over either numbers of men or quantities of treasure sufficient to defend the small territory of the *Pale*, much less to reduce that which was lost, or to finish the conquest of the whole island.” ‡ Accordingly the English adventurers governed their district by their own model; the native chiefs, though by far the greatest part of Ireland, acted independently of the English government; made war and peace; entered into leagues and treaties, not only amongst each other, but with foreign powers; punished malefactors, and governed

\* It should not be forgotten, that the valiant Sir John de Courcy (afterwards made earl of Ulster) rather upon a private adventure, than under any royal commission, made several successful inroads into that province, secured some posts on the coast, and was said generally, though improperly, to have made a conquest of the whole province.

† Dav. Disc. p. 69.

‡ Lel. 1 Vol. 154.



by their own laws, customs, and constitutions.\* It requires but moderate attention to the records of these times, to learn what degree of real power Henry had acquired in Ireland, and less skill in politics, to ascertain the rights he attempted to exercise over the English adventurers, or the native Irish in his federal transactions with each, whether we consider the grounds of his invasion, the nature and extent of their submissions, or the purport of his stipulations.

It was the ill fated policy of the English government of that day, not only not to coalesce and unite with the native Irish, but to go every possible length in fomenting and perpetuating dissension, animosity, and hatred between the two nations. "Hence it is," says sir John Davies, than whose there cannot be better authority upon this point, "that in all the parliament rolls which are extant from the 40th year of Edward III. when the statutes of Kilkenny were enacted, to the reign of King Henry VIII. we find the degenerate and disobedient *English* called *Rebels*; but the *Irish*, which were not in the king's peace, are called *Enemies*. *Statute of Kilkenny*, c. 1, 10, and 11. 11 Hen. IV. c. 24. 10 Hen. VI. c. 1, 18. 18 Hen. VI. c. 4. 5 Edw. IV. c. 6. 10 Hen. VIII. c. 17. All these statutes speak of *English Rebels*, and *Irish Enemies*; as if the Irish had never been in the condition of subjects, but always out of the protection of the laws, and were indeed in a worse case than aliens of any foreign realm, that was in amity with the crown of England. For by divers heavy penal laws, the English were forbidden to marry, to foster, to make gossippes with the Irish; or to have any trade or commerce in their markets and fairs. Nay, there was a law made no longer since than the 28th Hen. VIII. that the English should not marry with any person of Irish blood, though he had gotten a charter of denization, unless he had done both homage and fealty to the King in the Chancery, and were also bounden by recognizance in sureties to continue a loyal subject. Whereby it is manifest, that *such as had the government of Ireland under the crown of England did intend to make a perpetual separation of enmity between the English and the Irish.*" So far Sir John Davies up to his time; and

\* There are early documents to prove that the very power which had assumed the right of commanding the Irish to *receive Henry*, and *honourably reverence him as their Lord*, considered in fact his power confined to the *Pale*. For by the commission of the Pope's legate in the time of Richard the First, whereby he had power to exercise his legatine authority, we find it confined to certain limits, viz. *in Angliâ, Walliâ, ac illis Hiberniæ partibus, in quibus Johannes Moretonii Comes potestatem habet et dominium*. Mat. Par. fo. 1519..... Henry II. gave the lordship or sovereignty of Ireland to his son John, created Earl of Moreton, and afterwards King. There are strong differences amongst historians concerning the nature of this grant. Richard was too much engaged in other pursuits to question it. And upon John's accession to the throne, all the rights of Henry concentrated in him as King of England.

would it could be truly added, that this system had never been kept up since that period ; the union necessarily prevents it in future.

The same author, who was an Englishman, a servant of the crown, and a man well versed in the laws and constitution of England, gives further evidence of that pernicious principle of narrow, crooked, self-interested policy, acted upon by the servants of the crown in Ireland, in defiance of the more generous and liberal sentiments that prevailed on this side of the channel. In order to let in the full effect of his evidence, he first clears away the only objection that possibly could be raised against the Irish. Perhaps, says he, the Irishry in former times did wilfully refuse to be subject to the laws of England, and would not be partakers of the benefit thereof, though the crown of England did desire it ; and therefore they were reputed *Aliens, Outlawes, and Enemies*. But the contrary was manifest, not only from the number of charters of denization purchased by individuals, but by the general petition preferred by the Irish to King Edward III. for a general naturalization act, in order to supersede the necessity of further letters of denization. The King was for it ; but the baneful policy of the Irish government opposed it : this prince, like many of his successors, gave too easy credit to his distant servants, whose interest it was to deceive him. He satisfied his own conscience, by publicly referring the matter to his Irish counsellors, who, as Sir John Davies collects, advised the King, that *the Irishry might not be naturalized without damage or prejudice either to themselves or to the crown*. This feature in the Irish history particularly commands our notice : its singularity must furnish each reader with his own observations. Here was the voice of the Irish nation conveyed in respectful terms to the throne of England, praying for an union of laws and constitution, referred to an Irish parliament, and by them rejected.\* *Hinc illæ lachrymæ !* Upon this, says Leland, “ the resentment of the Irish, naturally violent, and now too justly provoked, broke out in an insurrection, projected with greater concert, and executed with more violence, than for some time had been experienced.”

The reflections of Sir John Davies upon this state of the Irish, made about 200 years ago, may be thought by some to depict the fatal policy of the English government towards Ireland with more faithful impartiality, than a modern writer would receive credit for. “ This then I note as a great defect in the civil

\* The authors of the Universal History say, that this application from the Irish was backed by an offer of 8000 marks to Ufford, then chief governor, for the king's use ; and they observe, that “ their desire was fatally counteracted “ by those, whose duty it was to promote a measure so well calculated for the benefit of their country.”

“ policy of this kingdom, in that for the space of 350 years at  
 “ least after the conquest first attempted, the English lawes were  
 “ not communicated to the Irish, nor the benefit and protection  
 “ thereof allowed unto them, though they earnestly desired and  
 “ sought the same. For as long as they were out of the protec-  
 “ tion of the lawe, so as every Englishman might oppresse,  
 “ spoyle, and kill them without controulment, howe was it pos-  
 “ sible they shoulde bee other then outlawes and enemies to the  
 “ crowne of England. If the King woulde not admit them to  
 “ the condition of subjects, how could they learn to acknow-  
 “ ledge and obey him as their Sovereigne? When they might  
 “ not converse or commerce with any civill men, nor enter into  
 “ anie towne or citty without perill of their lives, whither should  
 “ they flie but into the woods and mountains, and there live in  
 “ a wilde and barbarous manner? If the English magistrates  
 “ would not rule them by the law, which doth punish treason  
 “ and murder and theft by death: but leave them to be ruled  
 “ by their own lords and lawes, why should they not embrace  
 “ their own *Brehon* law, which punisheth no offence, but with a  
 “ fine or erich? If the Irish bee not permitted to purchase estates  
 “ of freehold or inheritance, which might descend to their chil-  
 “ dren according to the course of our common lawe, must they  
 “ not continue their old custom of tanistrie, which makes all  
 “ their possessions uncertayne, and brings confusion, barbarism,  
 “ and incivilitie? In a word, if the Englishe woulde neither in  
 “ peace govern them by lawe, nor could in warre roote them out  
 “ by the sword, must they not needes bee prickes in their eyes,  
 “ and thornes in their sides till the worlde’s end?”

This blind infatuation of the English government in their con-  
 duct towards Ireland, is wholly unaccountable. For although  
 they had not full possession of one third of the island, they can-  
 tonized the whole country amongst ten English families, and  
 called themselves owners and lords of all. Nothing was left to  
 be granted to or enjoyed by the natives: nor is there a record  
 for the space of 300 years and upwards after the invasion, of  
 any grant made to an Irish lord of any land, except a grant from  
 the crown to the king of Thomond, of his land during the mi-  
 nority of Henry III. and the beforementioned grant, or rather  
 treaty with the king of Connaught. These English grantees be-  
 came a new set of petty sovereigns to the irreparable damage of  
 the country. And Sir John Davies assures us, that our great  
 English lords could not endure that any kings should reign in  
 Ireland but themselves: nay they could hardly endure that the  
 crown of England itself should have any jurisdiction over them.  
 They exercised all manner of royal jurisdiction and authority  
 within their petty kingdoms more arbitrarily than any English



monarch did over the kingdom.\* No wonder then that this new race of English kings in Ireland should, as Sir John Davies further observes, oppose and resist every attempt of the English cabinet to admit the Irish into a full participation of our laws and constitution. For by these grants of whole provinces and petty kingdoms, these few English lords pretended to be the proprietors of all the lands; so that there was no possibility of settling the natives in any of their possessions, and consequently the conquest of the whole country became an absolute impossibility, otherwise, than by the utter extirpation of the whole native race of the Irish; which they were in fact unable, and probably from interested motives unwilling to do. The Irish, who inhabited the lands that were fully conquered and reduced, were in the condition of slaves and villeins, and thereby they rendered more profit to their lords, than if they had been free subjects of the king: and as these oppressive and rapacious sovereigns flattered themselves with the pleasing prospect of realizing their several grants to their full nominal extent, they looked eagerly to this profitable extension of vassalage and slavery, which would not take place if those out of the pale were once received into the king's protection and made liege men and free subjects. Thus early were the peace, welfare, and prosperity of the Irish nation sacrificed to the corrupt influence and interests of some few men in power.

The same author, than whom no man ever studied more the reciprocal interests of England and Ireland, tells us plainly, that this handful of monopolizers of the whole power and profit of the nation opposed its union with England, because that "would have abridged and cut off a great part of that greatness which they had promised unto themselves: they perswaded the king of England, that it was unfit to communicate the lawes of England unto them; that it was the best policie to hold them as aliens and enemies, and to prosecute them with a continual warre. Hereby they obtained another royal prerogative and power; which was to make warre and peace at their pleasure in every part of the kingdome; which gave them an absolute command over the bodies, lands, and goods of the English subjects heere. The troth is, that those great English lords did to the uttermost of their power, crosse and withstand the enfranchizement of the Irish, for the causes before expressed, wherein I must still cleare and acquit the crown and state of England of negligence or ill policy."

So deeply rooted in the Irish nation was the spirit of irritation and resentment, that no public calamities, oppressions, or

\* The complaints of the abuses of these English settlers were emphatically compressed into this strong expression: *ipsis Hybernis Hyberniores*.

misfortunes could prevent their chieftains, lords, or petty sovereigns from continual feuds and wars with each other. This national misfortune was highly aggravated by the erection of these English sovereignties: for the same author informs us, that "the power to make warre and peace did raise the English lordes to that height of pride and ambition, as that they could not endure each other, but grew to a mortal warre and dissention amongst themselves, as appeareth by all the records and stories of this kingdome."

Not only the general state policy of England was misdirected and abused by the servants of the crown in Ireland, in order to encrease and perpetuate disunion and hatred between the two nations; but the very sources of justice and legislation were poisoned and corrupted to the same intent. We have the testimony of Sir John Davies supported by several records of undoubted authority:\* "That the Irish generally were held and reputed aliens or rather enemies to the crowne of England; insomuch as they were not only disabled to bring anie actions, but they were so farre out of the protection of the lawe, as it was often adjudged no felony to kill a mere Irishman in the time of peace." By the 4th chapter of the statutes made at Trim, 25 Hen. VI. (A. D. 1447) it was enacted, that if any were found with their upper lips unshaven by the space of a fortnight, (it was the Irish fashion to wear the beard on the upper lip) it should be lawful for any man to take them and their goods as Irish enemies, and to ransom them as Irish enemies. Another very singular statute was passed, to commit the punishment of offenders to every private liegeman of the king, without any reference to trial by judge or jury (28 Hen. VI. c. iii. A. D. 1450). It must have sorely aggrieved the Irish, when rewards were put upon their heads at the mere private surmise, suspicion, or personal resentment of any Englishman: for it was thereby enacted, that it should be lawful to every liegeman of our sovereign lord the king, all manner of notorious and known thieves, and thieves found robbing, &c. (which might not be so unreasonable as to murder by suspicion or reputation) to kill and take them without impeachment, arraignment, or grievance to him to be done by our sovereign lord the king, his justices, officers or any of his ministers for any such manslaughter or taking: and that every man should be rewarded for such killing or taking by one penny of every plough, and one farthing of every cottage within the barony where the manslaughter was done. This inhuman encouragement to murder was further encreased by larger rewards given to those who should execute summary justice by their own fallible or corrupt judgments upon persons going to rob and steal, or coming from rob-

\* Dav. Disc. 102 & seq.

bing and stealing: for by 50th Edw. IV. c. 2. (A. D. 1465) it was enacted, that it should be lawful to all manner of men that found any thieves robbing dy day or by night, *or going or coming to rob or steal, in or out, going or coming*, having no faithful man of good name and fame in their company in English apparel, upon any of the liege people of the king, to take and kill those and to cut off their heads, without any impeachment of our sovereign lord the king, his heirs, officers or ministers, or of any others; and of any head so cut in the county of Meath, that the cutter of the said head, and his ayders there to him, cause the said head so cut to be brought to the portreeve of the town of Trim, and the portreeve to put it upon a stake or spear upon the castle of Trim, and that the said portreeve should give him his writing under the seal of the said town, testifying the bringing of the said head to him. And that it should be lawful for the bringer of the said head and his ayders to the same; to distrein and levy with their own hands of every man having one ploughland in the barony where the thief was so taken, two-pence; half a ploughland, one penny; and every man having a house and goods to the value of 40s. one penny; and of every other cottier having house and smoak, one half-penny. And if the portreeve should refuse such certificate, he was to forfeit 10*l.* recoverable by action. In passing an opinion upon this statute, it ought not only to be tried by the absolute and immutable rules of moral equity, but by the relative feelings and prepossessions of the Irish, whose Brehon institutions allowed all crimes, even *murder* itself, to be expiated by fine or *eric*.

Although the printed statutes of Ireland go not to so early a date, yet Sir John Davies quotes the famous statutes of Kilkenny, which are preserved in the castle at Dublin: they were passed in the 40th year of King Edw. III. (A. D. 1366) and although they were chiefly intended to correct the degeneracy of the English, yet had they the strongest tendency to aggravate the rancorous animosity of the two nations. In the 40th year of his reign “ King Edward held that famous parliament at “ Kilkenny, wherein many notable lawes were enacted, which “ doo shew and lay open (for the lawe doth best discover enormities) how much the English colonies were corrupted at “ that time, and doo infallibly prove that which is laide downe “ before: that they were wholly degenerate and faln away from “ their obedience. For first it appeareth by the preamble of “ these lawes, that the English of this realme, before the “ coming over of Lionel Duke of Clarence, were at that time “ become meere Irish in their language, names, apparell, and “ all their manner of living, and had rejected the English lawes “ and submitted themselves to the Irish, with whom they had made “ many marriages and alliances, which tended to the utter ruine



“and destruction of the commonwealth. Therefore *alliaunce*  
 “*by marriage, nurture of infants, and gossipred* with the Irish  
 “are by this statute made high treason. Again, if anie man of  
 “English race should use an Irish name, Irish language, or  
 “Irish apparell, or any other guize or fashion of the Irish, if he  
 “had lands or tenements, the same should be seized, till he had  
 “given security to the Chancery, to conform himself in all points  
 “to the English manner of living. And if he had no lands,  
 “his bodie was to be taken and imprisoned, till he found sure-  
 “ties as aforesaid.”

Imagination can scarcely devise an extreme of antipathy, hatred, and revenge to which this code of aggravation was not calculated to provoke both nations. One thing alone was left to fill the measure of calamity on one side, and oppression on the other. It was a system so grievous in its nature, that had it been confined to that disastrous period of the Irish history, I should have spoken of it with the same freedom I have used in narrating other barbarous usages, which civilization and political liberality had long entombed: but recent revivals of this system of inhumanity render it prudent for a modern writer to use others rather than his own language in retailing these ancient enormities. \* “But the most wicked and mischievous custom of all others was that of *Coygne and Livery*, often before mentioned: which consisted in taking of *mans-meate, horse-meate and money* of all the inhabitants of the country at the will and pleasure of the soldier, who, as the phrase of Scripture is, *did eate up the people as it were bread*, for that he had no other entertainment. This extortion was originally Irish, for they used to lay *bonaght*† upon their people, and never gave their soldier any other pay. But when the English had learned it, they used it with more insolency and made it more intollerable; for this oppression was not temporary, or limited either to place or time: but because there was every where a continuall warre either offensive or defensive, and every lord of a countrie, and everie marcher made warre and peace at his pleasure, it became universal and perpetuall: and was indeede the most heavy oppression that ever was used in anie Christian or Heathen kingdom. And therefore *vox oppressorum*, this crying sinne did drawe down as great or greater plagues upon Ireland, than the oppression of the *Israelites* did draw upon the land of Egypt. For the plagues of Egypt though they were grievous, were of a short continuance: but the plagues of Ireland lasted 400 years together. This extortion of *Coygne and Livery* did produce two notorious effects.

\* Dav. Disc. 174, &c.

† *Free quarters* seems to be the modern appellation of this mischievous system of oppression; but unfortunately for Ireland, the reality has long survived its ancient appellation.

“First, it made the land waste : next, it made the people ydle.  
 “For when the husbandman had laboured all the yeare, the  
 “soldier in one night did consume the fruites of all his labour,  
 “*longique perit labor irritus anni*. Had hee reason then to  
 “manure the lande for the next yeare, or rather might he not  
 “complayne as the sheperd in Virgil:

“*Impius hæc tam culta novalia miles habebit?*

“*Barbarus has segetes? En quo discordia cives*

“*Perduxit miseros? En queis consevimus agros?*

“And hereupon of necessity came depopulation, banishment,  
 “and extirpation of the better sort of subjects, and such as  
 “remained became ydle and lookers on, expecting the event  
 “of those miseries and evill times: so as this extream extortion  
 “and oppression hath been the true cause of idlenesse in this  
 “Irish nation; and that rather the vulgar sort have chosen to be  
 “beggars in forraign countries than to manure their own fruitful  
 “land at home. Lastly, this oppression did of force and neces-  
 “sitie make the Irish a crafty people; for such as are oppressed  
 “and live in slavery are ever put to their shifts, *ingenium mala*  
 “*semper movent.*”\* And in another place, this same author  
 has spoken still more strongly upon this monstrous excess of  
 inhumanity and impolicy. †“In the time of King Edward II.  
 “Maurice Fitz-Thomas, of Desmond, being chief commander  
 “of the army against the Scots, began that wicked extortion of  
 “*Coygne and Livery and Pay*, that is: he and his army tooke  
 “horsemeate and mansmeate and money at their pleasure,  
 “without any ticket or any other satisfaction. And this was after  
 “that time, the general fault of all the governours and com-  
 “manders of the army in this lande.” And ‡“By this it  
 “appeareth, why the extortion of Coygne and Livery is called  
 “in the old statutes of Ireland a *damnable custome*, and the  
 “imposing and taking thereof made *high treason*. And it is  
 “said in an ancient discourse *Of the decay of Ireland*, that though  
 “it were first invented in Hell, yet if it had been used and prac-  
 “tized there, as it hath been in Ireland, it had long since des-  
 “troyed the very kingdome of Belzebub.”

Doctor Leland, in our own days, speaks in the same spirit of  
 that infamous and pernicious practice. § “The compendious

\* Sir John Davies here further remarks, that the common people have a  
 whyning tune or accent in their speech, as if they did still smart or suffer some  
 oppression: and that this idleness, together with the fear of imminent mis-  
 chiefes, which did continually hang over their heads, have tended to make the  
 Irish the most inquisitive people after news of any in the world. One might  
 have supposed Sir John Davies had seen at the close of the 18th century groups  
 of idlers in the streets of Dublin, listening to and brooding over Saunders’s  
 journal.

† Dav. Disc. p. 30, 31.

‡ Ibid. p. 33.

§ Lel. Hist. 1 vol. p. 280

“ Irish method of quartering the soldiers on the inhabitants, and leaving them to support themselves by arbitrary exactions, seemed to have been pointed out by the urgent occasion, was adopted with alacrity and executed with rigor. Riot, rapine, massacre, and all the tremendous effects of anarchy were the natural consequences. Every inconsiderable party, who, under the pretence of loyalty, received the king’s commission to repel the adversary in some particular district, became pestilent enemies to the inhabitants. Their properties, their lives, the chastity of their families were all exposed to barbarians who sought only to glut their brutal passions; and by their horrible excesses purchased the curse of God and man.”

Without passing in review the successive scenes of dissension, insurrection, perfidy, oppression, massacre, distress, and calamity which blackened the reigns of all our monarchs from the invasion to the reformation, certain it is, that this long space of nearly 400 years was (except in the moments of impotency produced by excessive violence on each side, and the delusive hours of actual perfidy or meditated treachery) one uninterrupted scene of discord, warfare, and wretchedness. This ill-fated people seems to have been devoted to the extreme tension of human misery. Every appearance of advantage was alternately taken by the English and the Irish to extend or contract the *pale*: success was various; though ravage, desolation, and famine invariably marked the progress of the conqueror. The most trifling differences and frivolous pretexts were greedily seized by the factious and irascible chieftains, whose passions more than interests kept their septs in continual wars with each other. Proud of independence, inflated with self-consequence, they seldom agreed with their neighbours, and never coalesced, but through weakness for protection, or through resentment to execute vengeance the more forcibly on their enemy. Private discord equally distracted the English cantonments or districts, as the old Irish septs. Every appearance, report, or even suspicion of dissension, weakness, or disorder within the *pale*, was the signal for the septs to fly to arms, and harass the English, of whom their hatred was truly implacable.\* Every defeat of the English was followed up by an inundation of more formida-

\* In proportion as national prejudice, antipathy, and hatred may be deeply rooted, is it important to consider the grounds from which they spring: and as, I presume, that it cannot be deemed unfair to trace them in the instance of Ireland, to that studied system of oppression and disunion into which England was betrayed, by the false representations of interested individuals, for the space of time comprised in this chapter, I refer my reader to that remonstrance of grievances set forth by the Irish, (App. III.) which certainly is the strongest picture of inveterate national hatred that has been handed down to posterity. It demonstrates, that difference of religion did not produce these evils, and that UNION alone is the effectual security against their repetition.



ble forces : the submission of the Irish was often abject, always precarious and occasional : it never lasted longer than the English forces commanded a decided superiority. Famine, pestilence, and wars frequently brought this wretched people to the desperate necessity of feeding on grass, leaves, and the flesh of their fellow creatures. Such were the unceasing calamities, to which that unfortunate country was doomed, during the reigns of sixteen of our monarchs,\* who held the British sceptre, from the invasion under Henry the Second to the reformation under Henry the Eighth ; calamities evidently arising out of the internal divisions and national disunion and oppression of that kingdom.

\* Viz. Henry II. Richard I. John. Henry III. Edward I. Edward II. Edward III. Richard II. Henry IV. Henry V. Henry VI. Edward IV. Edward V. Richard III. Henry VII. Henry VIII.



## P A R T II.

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### *OF THE STATE OF THE IRISH NATION FROM THE REFORMATION OF RELIGION UNDER HENRY VIII. TO THE REVOLUTION UNDER JAMES II.*

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#### CHAPTER I.

THE REIGNS OF HENRY VIII. EDWARD VI. AND QUEEN MARY.

SUCH is the variety, such the importance, and at the same time such the peculiarity of the events, which mark this period of the Irish history, that truth and candour are almost to be dreaded by the historian who seeks the approbation of the existing generation. We have seen how much the interests of Ireland have suffered from the ill-directed monopoly of the English influence and political power in that country, whilst they professed the same religion. A new scene now opens itself. The 20th year of the reign of Henry VIII. (A. D. 1528.) is properly termed the first year of the reformation of religion in England; and from this epoch are to be reckoned the many active and passive disasters that afterwards fell upon Ireland, whether they really arose out of the change of religion, or were ignorantly or maliciously attributed to such change. It has been too prevalent with most writers since the Reformation, to lay indiscriminately to the account of that great innovation in our national church, the various struggles, revolutions, and convulsions that afterwards happened in the state. An error pregnant with incalculable mischief! And what deviation from truth does not produce evil?

A variety of circumstances combined to render the English monarch at this time hateful rather than gracious to the Irish nation, which had no reference to or connection with religion. Leland, after Ware, and other annalists, represents the Earl of Kildare as confirmed in the Lieutenancy beyond the power of opposition; and that he used it without moderation or reserve. Instead of the state and dignity of a vicegerent, he affected the



rude grandeur of an Irish chieftain, and stood at the head of a wild and rapacious multitude of followers, to the annoyance and terror of those whom he was appointed to protect. The lords of the old Irish race, who had ever appeared the most unfriendly to the English government, crowded round him, and were received as his kinsmen and associates. Two of his daughters were given in marriage to O'Connor of O'Fally, and O'Carroll, two powerful chieftains. The laws which prohibited such connections were treated with scorn, nor was the administration of government at all regarded, but as it contributed to establish his own personal influence and authority. The whole power of the pale, except the partisans of Kildare, were not only shut out of favour and countenance, but even protection. The enemies of his house within the pale were inflamed with indignation, and all the officers and dependants of the English government were terrified at a conduct which threatened utter subversion to the interests of the crown.

This powerful lord, who had now possessed the government of Ireland much longer than any of his predecessors in that important deputation, experienced in Cardinal Wolsey a mortal enemy;\* and whether owing to the influence of the cardinal upon the mind of his royal master, or to the king's conviction of the guilt and malpractices of Kildare, he was remanded over to England without delay, under a peremptory mandate to commit the government to some person in his absence, for whom he would be responsible: he unfortunately entrusted it to his son Lord Thomas Fitzgerald, a youth of inexperience and impetuosity, who had not yet attained his age of twenty-one years: and who from his affability and personal accomplishments eminently commanded the affection of the multitude. It was known in Ireland, that Kildare had soon after his landing in England been committed to the Tower: and false reports were circulated, that he had been beheaded. They no sooner reached his son, than he instantly flew out into the most desperate rebellion, and was supported by numerous malcontents amongst the

\* It is reported, that when Kildare had been most severely and insolently examined and arraigned at the council board, on his first confinement some years before, upon suspicion, by his implacable enemy Cardinal Wolsey, that prelate was extremely mortified and humbled at the manly and spirited reply of the earl, and that he so far gave way to his revenge, as to endeavour to have him taken off without any public trial, that he might no more offend the pride of the cardinal. He accordingly sent a mandate to the lieutenant of the tower for his execution on the next day, which was delivered to him whilst at play with Kildare. The lieutenant changed countenance, was challenged and worked upon by Kildare to reveal the contents of the letter, and persuaded to apply personally to the king, who disclaimed any knowledge of the order, and to check the sauciness of the priest as he termed it, gave a signet for a countermand, and released Kildare. Speed. 775. Cox. 220. Hence may be easily traced an aggravation of disaffection, and perhaps some disposition to revolt in Kildare.

Geraldines, who had been previously supplied with arms and ammunition by Kildare before his departure, in contemplation of the probability of such an event. After various misfortunes and disasters produced by the misconduct and temerity of this Lord Thomas, the rebellion was suppressed under the administration of Sir William Skeffington; and O'Neal and O'Connor, who had joined in it, made their submission to the king. Lord Thomas himself had been promised his pardon, on condition of his making personal submission to the king. He went over to England in full confidence: he was however treacherously arrested on his way to Windsor, and committed to the tower, where he was soon after executed as a rebel and a traitor.\* But the vengeance of such a prince as Henry was not to be appeased by a single victim. He affected to consider the suppression of the late rebellion as a new conquest of Ireland, and proposed it as a question to be debated in his council, whether he had not now acquired a right to seize at once on all the estates of this kingdom spiritual and temporal. But above all, he breathed the most infuriated revenge against the whole lineage of Kildare. Lord Gray, the new lord deputy, received orders from Henry to seize the five uncles of Lord Thomas Fitzgerald, and send them prisoners to London. Of these, three were known to have totally disapproved and opposed the insurrection of their nephew, and the whole number had reason to expect impunity from the treaty made with the rebels. But this confidence proved their snare. They accepted an invitation from Lord Gray to a banquet, an insidious and dishonourable artifice of that lord to get them into his power; they were first feasted with all the appearance of amity, then made prisoners and conveyed to London, where they all suffered the punishment of high treason. There was a younger branch of the family of Kildare, Lord Gerald, a youth under twelve years of age, the brother of Lord Thomas: and the vengeance of the king pursued even this helpless and guiltless infant; but happily by the vigilance of his guardian he was secretly conveyed out of the kingdom, and at last safely committed to the protection of Cardinal Pole, then in Italy, who, in defiance of his declared enemy King Henry, received the young lord as his kinsman, educated him suitably to his birth, and by his favour and support preserved him to regain the honours of the family of Kildare.† This tyrannical and treacherous conduct of King Henry

\* 2 *Lel.* 153.

† The Earl of Kildare is said to have died in prison through grief at hearing of his son's defeat, &c. "Thomas late Earl of Kildare was with some others attainted for the insolences he had done during his deputyship: which act was repealed in the 11th of Queen Elizabeth, the Earl of Kildare's brothers and sisters being thereby restored to their blood, as in king Edward VI. his reign: Gerald (Earl Thomas his brother) was restored to his ancient inheri-

towards one of the first families in Ireland is conclusive evidence, that he was little suited to gain favour with the Irish, either within or without the pale, in the work of reformation, which he had now taken in hand.

A party was formed of the most powerful servants of the crown, who were enemies to Kildare. At the head of these was Allan, archbishop of Dublin, the deprived chancellor. He had been trained in the scene of political intrigue under his patron Wolsey: he had served him as judge in his legatine court with an attention and assiduity neither upright nor honourable: and though accused of misdemeanor and dismissed from his office, he was still protected by the cardinal, and proved an useful and active agent in his favourite scheme of the suppression of monasteries. Wolsey's death had given great assurance to Kildare, but his creature Allan retained all his master's rancour against the Geraldines. It was at last resolved to commission the Master of the Rolls in the name of the lords of the council (for the major part concurred in the measure) to repair to England, and lay the state of the country before the king, and implore the royal interposition. The representation made to the king by the agents of these lords, will further prepare our minds to judge fairly and impartially of the disposition of the Irish nation to submit to the power and adopt the system of reformation proposed by Henry.

The Master of the Rolls opened his commission by representing to his Majesty the confined extent of the English laws, manners, language, and habit, at length reduced to the narrow compass of twenty miles: the melancholy consequence of those illegal exactions and oppressions, by which the English tenantry had been driven from their settlements: the grievous tribute, which the remains of these loyal subjects were obliged to pay the Irish lords for a precarious protection: the enormous jurisdictions granted to the lords of the English race, that favoured their oppressions, and stopped the course of justice: the rabble of disaffected Irish settled purposely on their lands, whom they oppressed with impunity, and whom they found their readiest instruments for oppressing others: the negligence of the king's officers in keeping the records: their unskilful conduct in the exchequer: but above all the alienation of the crown lands,

"tance, and by Queen Mary, May 14, 1554, to his honour and the Barony of Offaly, who returning the same year into Ireland was received with great applause by the people, though his brother had been beheaded and five uncles hanged at Tyburn, February 3, 1537." *Borl. Red. of Ireland to the crown of England* 104. The same author 105 informs us "that this Lord Grey was in the year 1541 beheaded on Tower hill, about June 25, for having, as it was conjectured, joined with Cardinal Pole and others of the king's enemies, notwithstanding his good service, &c." He did not long survive his treachery.



which reduced the revenue to a state of dangerous insufficiency, and left the realm without succour or resource. Many of the public disorders they ascribed to a too frequent change of governors: entreating the king's highness that for the future he would be graciously pleased to entrust the charge of his Irish government to some loyal subject sent from his realm of England, whose sole object should be the honour and interest of the crown, unconnected with Irish factions, and uninfluenced by partial favour or aversion.\*

Henry, though impetuous and ungovernable in his passions, wanted not penetration to see the weakness of his power over the Irish, who in their present situation were rather to be soothed by policy, than compelled by force into the adoption of his measures. His mind was now bent upon the most effectual means of introducing the reformation into Ireland. This was a work not to be effected by the terror of that artillery, with which the Lord Deputy Skeffington daunted and dispersed the undisciplined and tumultuary army of O'Connor before Maynooth,† and with which he carried terror through the nation. Whilst Henry was elated at the general and prompt compliance with his scheme of reformation in England, he resolved to extend it yet further and gain a reception for the new doctrines in Ireland. Accordingly, Lord Cromwell, who upon the death of Wolsey had succeeded to as much of his prince's favours, as Henry would again bestow upon a subject, in his quality of vicar general in spirituals, appointed George Brown, the provincial of the Augustine Friars, who had been prominently conspicuous in preaching up the reformation in London, to succeed Allan in the archiepiscopal see of Dublin. He was sent over with other commissioners, specially instructed and appointed to confer with the clergy and nobility, in order to procure a general acknowledgment of the king's spiritual supremacy‡. But the task was found more difficult than the impetuosity of the king, or the fastidious contempt, which the English minister entertained of this country, permitted them to suspect. The Irish had aboriginally been enthusiastically tenacious of their religion, and of the sacredness of the rights and character of it's ministers. Accordingly, as Leland after Ware observes, when

\* This state of grievances most singularly coincides with others of later dates: for it is a melancholy truth, that for want of an incorporate union with England, this country has been doomed for centuries to suffer a similarity, as well as continuance of oppression.

† This army consisted of about 7000 men, with which Dermot O'Connor Don had supplied Lord Thomas Fitzgerald: it flattered the vanity, and gratified the feelings of this old chieftain, that a lord of the pale, then an exile in his territory, should apply for succour against the English government. O'Neil also had joined his forces with those of O'Connor.

‡ Usher, Ware, Cox, Leland, Crawford, &c.

Europe had almost unanimously declared against the yoke of ecclesiastical power, a slight attempt made in one province of Ireland to circumscribe the privileges of the clergy raised a most violent and insolent clamour among the order, although it amounted to nothing more than empowering the civil magistrate to imprison ecclesiastical debtors. "And, had," continues the learned doctor,\* "the generous policy prevailed of collecting all the inhabitants into one body of English subjects, a union and pacification of ages must have prepared the people for the reformation now proposed."

† No sooner had the commissioners appointed by the king explained their instructions, and demanded an acknowledgment of his supremacy, than Cromer, primate of Armagh, an Englishman by birth, and who had sometimes held the office of chancellor, openly and boldly declared against an attempt so impious. Disgust at being removed from his office, and resentment at the severity exercised against the family of Kildare, his friends and patrons, might be supposed to have had some share in this opposition, were it necessary to recur to worldly motives to explain it. He summoned the suffragans and clergy of his province: and to those whom he could collect, he pathetically represented the danger, which now threatened the religion of their ancestors: exhorting them to adhere inviolably to the apostolic chair, by such arguments and motives as were suited to their understandings. He reminded them, that their country had been called in the earliest ages the Holy Island; a convincing proof that it ever was and is the peculiar property of the holy see, from which the kings of England derive their lordship..... He enjoined them by his spiritual authority to resist all innovation, as they tendered their everlasting felicity: and pronounced a tremendous curse against all those, who should sacrilegiously acknowledge the king's supremacy. In the mean time he dispatched two emissaries to Rome, to represent the danger of the church, and to entreat the interposition of the pontiff in defence of his rights and interests in Ireland.

This spirited opposition of the most eminent amongst the Irish prelates, enlivened the zeal and vigour of the friends of Rome. Henry and his minister seem to have imagined, that no one could have presumed to attempt the least resistance to his royal will in a point, which had been already solemnly decided and established in England. His agents were probably possessed with the same idea. But to their utter mortification, the king's commission was treated with indifference and neglect; and his vicar, on account of the meanness of his birth,

\* 2 Lel. 158.

† For very obvious reasons I have chosen to follow Dr. Leland's account of the Effect of Archbishop Browne's Mission to Ireland.

became even a subject of popular ridicule.\* Archbishop Browne, with the assistance of some of his suffragans, laboured in support of the commission : but he was treated not only with disdain but outrage, and his life was exposed to danger from the opponents of the reformation. Such at least were the apprehensions he expressed. He informed Lord Cromwell of his bad success, and the opposition of Cromer : represented the melancholy situation of ecclesiastical affairs in Ireland ; the extreme ignorance of the clergy, incapable of performing even the common offices, and utter strangers even to the language, in which they celebrated their mass ; and the furious zeal of the people, whose blind attachment to Rome was as determined, as the constancy of the most enlightened martyrs to the true religion, who exulted in expectation of effectual support from the pope, and that he would engage some of the old chieftains and particularly O’Nial, the great dynast of the north, to rise in defence of their religion. He recommended, as the most vigorous and effectual method of procedure, that an Irish parliament should be assembled without delay, which, like the English legislature, might by law enforce a general acknowledgment of the king’s supremacy, so as to terrify the refractory and to silence their opposition. This advice was approved : and the Lord Gray, who was still engaged in suppressing the disjointed relicts of the Geraldine rebellion, received a commission to summon a parliament, which was accordingly convened at Dublin on the first of May, 1536.

So limited at this time was the jurisdiction of the Irish parliament, or to speak more properly, of the provincial assembly of the pale, that the master of the rolls reported to the king, that his laws were not obeyed twenty miles from his capital. Yet did Henry successfully exert every device of art and power to render the members that composed it ductile and subservient to his dictates. The transactions of the late parliament at Westminster were holden out to the members convened, as a model of the ordinances the king expected at their hands. Therefore, as to all the acts which concern the reformation of religion, the Irish statutes are mere transcripts of the English acts upon the same subjects. The king was declared supreme head on earth of the Church of Ireland : all appeals to Rome in spiritual causes were taken away : the English law against slandering the king in consequence of these innovations was enacted and confirmed in Ireland, together with the provisions made in England for payment of first fruits to the king : and not only of the first fruits of bishoprics and other secular promotions in the Church

\* Archbishop Browne in one of his letters to Lord Cromwell, tells him with an awkward and uncourtly simplicity, the “countrie folk here much hate your lordship, and despitefully call you in their Irish tongue, *the blacksmith’s son*.”



of Ireland ; but by another act he was vested with those of abbies, priories, colleges, and hospitals. By a further act the authority of the bishop of Rome was more solemnly renounced, and the maintainers of it in Ireland made subject to a *præmunire*. All officers of every kind and degree were required to take the oath of supremacy : and every person who should refuse it was declared, as in England, guilty of high treason. All payment of pensions and suing for dispensations and faculties to Rome were utterly prohibited, by adopting the English law made for this purpose, and accommodating it to Ireland. By one act twelve religious houses were suppressed : by another the priory of St. Wolstan's was particularly suppressed ; and the demesnes of them all were vested in the crown.

As to the right of inheritance and succession of the lordship of Ireland, they pronounced the marriage of the king with Catharine of Arragon to be null and void, and the sentence of separation by the archbishop of Canterbury to be good and effectual. They declared the inheritance of the crown to be in the king and his heirs by Queen Ann (of Boleyn) : they made it high treason to oppose this succession, misprision of treason to slander it ; and appointed an oath of allegiance to be taken by the subjects of Ireland for the sure establishment of it under the penalties of misprision of treason. But scarcely had this act been passed, when intelligence arrived of the condemnation and death of Ann Boleyn, and the marriage of the king with the Lady Jane Seymour. With the same ease and compliance with Henry's wishes, they followed the servile corruption of the English parliament, and instantly repealed their late act, and passed an act of attainder on the late Queen Ann, George Boleyn, Lord Rochford, William Brereton, and Mark Smeaton, who had been accused as accomplices in the supposed guilt of that unhappy lady. Both the former marriages of Henry were by this new act declared null and void : the succession was new modelled, and declared to be in the king and his heirs by the Lady Jane, his then queen ; and, in default of such heirs, the king was empowered to dispose of the inheritance of the lordship of Ireland (as of the crown of England) by letters patent, or by will.

Other acts were made for the encrease of the king's revenue, and the internal regulation of the pale. The usual subsidy of 13s. 4d. on every plough land was granted for ten years. The lands and honours of the Duke of Norfolk and other absentees were vested in the king, and one twentieth part of every spiritual promotion was granted to him for ever. All pensions paid by the king's subjects to any Irish sept were utterly abolished ; the ancient laws against marrying and fostering with the Irish were revived in all their severity ; and the use of the English order of living, habit, and language, were strictly enforced throughout

the pale. It was provided, that no ecclesiastical preferment should be conferred on any, who did not speak the English language, unless after three solemn proclamations none so qualified could be found; that an English school should be kept in every parish; and that such as could not pay for the education of their children at such school, should be obliged to employ them from the age of ten years in trade or husbandry. To prevent waste of lands, either by the suppression of monasteries or attainder of rebels, commissioners were appointed to grant leases of all crown lands; and others for pardoning any persons concerned in the late rebellion, who should submit within a given time, except such as had been attainted by name. These were named in the very first act of this parliament, intituled, *An act for the attainder of the Earl of Kildare and others.*

Such were the laws which this corrupt and servile parliament passed to gratify the resentment, lust, avarice, and ambition of Henry.\* Ingenuity could not have devised a collection of laws more emphatically calculated to render the English power contemptible and odious to the Irish nation. This policy of the English, to discourage all connection of the colony with the native Irish, it has been lately observed,† was not “to be reconciled to any principle of sound policy: it was a declaration of perpetual war, not only against the native Irish, but against every person of English blood, who had settled beyond the limits of the pale, and from motives of personal interest or convenience had formed connections with the natives, or adopted their laws and customs; and it had the full effect, which might have been expected: it drew closer the confederacy it was meant to dissolve, and implicated the colony of the pale in ceaseless warfare and contention with each other, and with the inhabitants of the adjacent districts.”

As the religion professed by those within and those without the pale was at this time one and the same in every respect, an observation of the same illustrious personage, to whose authority I have just referred, applies indiscriminately to both;‡ *it was equally hopeless and impolitic to call upon the people at once to abjure the religion of their ancestors, and to subscribe to new doctrines.* Accordingly, says Dr. Leland,§ the laws for the regulation of the pale, and even those which declare the right of succession to the throne, were received without opposition. But

\* This tyrannical monarch had equally subdued our own parliament in England, when he forced from them that iniquitous law, that gave to a royal proclamation the full effect of an act of parliament.

† Speech of the Earl of Clare in the Irish House of Lords on the 10th February, 1800, p. 5.

‡ Same speech, p. 7.

§ 2 Lel. 165.

those relative to ecclesiastical jurisdiction had all the violence of religious enthusiasm to encounter. The Romish party had collected their adherents, and were prepared for a vigorous contention. The two proctors from each diocese, who had usually been summoned to parliament composed a formidable body of ecclesiastics, avowed adherents to the holy see. They claimed to be members of the legislative body, and to have a full right of suffrage in every public question: it therefore became necessary, before the act of supremacy should be proposed, to define their rights. It was declared by a previous act, that their claim was presumptuous and groundless; that they were summoned merely as counsellors and assistants, (as the King's judges and other learned men had decided) and that from the first day of that parliament they should be accepted and taken as counsellors and assistants only, whose assent and concurrence were by no means necessary to any parliamentary transaction.\*

Although the partisans of Rome were thus deprived of the assistance of so powerful a body, yet when the act of supremacy came to be proposed, Lords and Commons joined in expressing their abhorrence of the spiritual authority assumed by the King, whilst the ministers of the royal party were equally determined in defence of it. Archbishop Browne took the first part in supporting the propriety of this act, by such arguments as probably had their weight upon his own mind, and were more likely to influence his hearers, than those of greater force and solidity. He pleaded the authority of the Popes themselves against the usurpation of Rome; so that in asserting the king's supremacy, he claimed no more than what Eleutherius, bishop of Rome, had granted to Lucius, the first Christian King of the Britons: but the argument he concluded with, was most likely to confound opposition; he pronounced those, who made any difficulty of concurring with him, to have no right to be regarded or treated as loyal subjects.† Fear served to allay the

\* This act, intituled, *An Act against Proctors to be any Member of the Parliament*, was passed, and by a retrospective operation from the first day of the sessions, disqualified this large body of two clergymen from each diocese, who had been regularly summoned to parliament, from voting as they usually had at all times done. By the act they are assimilated to our English convocation, that usually meets at the same time as the parliament. The reason why the English members of the convocation had no vote in parliament was, that at that time they taxed themselves, and formed a sort of third estate, representing the ecclesiastical property of the nation, which reason would give them a right to vote in the Irish parliament, because in that country there was no convocation. However, their expulsion from parliament, whether right or wrong, was to answer the designs of Henry, and must have tended to irritate a nation, which ever held the ministers of their religion in the highest estimation.

† In this he adhered closely to the spirit of the act, which makes the refusal to swear to the supremacy an act of high treason. This curious specimen of Archbishop Browne's eloquence is to be seen in sir R. Cox, 1 vol. 249.



violence of such as could not be persuaded ; and the most determined partisans of Rome were obliged to reserve themselves for a clandestine opposition to the execution of a law, which they could not prevent from being enacted.

At this period of the Irish history, the whole Irish nation, within and without the pale, was Catholic. Archbishop Browne and the other commissioners, together with the ministers and royal party, whom they had gained over to the Reformation, were the only Protestants in the country. The hand of power was therefore called in to compel submission to these acts thus forced upon the nation. The royal party, who had possessed themselves of the reins of power within the pale, aware of the consequences of their abusing it, ere the session was over, passed a special act, to make it felony to attempt to invalidate any of the laws passed during this session of the parliament. And no wonder, as Leland observes, that to these vigorous counsels and decisions of the legislature, it was at this time peculiarly necessary to add an extraordinary vigilance and activity in the field. It was obvious to foresee, that religious controversy must aggravate and protract the disorders so long and so grievously experienced in this country. Rightly then was it said, *\*At this time a new schism arose, which has been the bane and pestilence of Ireland.* The question of papal authority threatened to divide those, who had hitherto been most united ; and whilst the king's subjects within the pale, who disapproved the late regulations, were thus in danger of being seduced from their allegiance, at the same time a new bond of union was formed amongst the old Irish chieftains. Formerly to their petty *septs* (called *nations*) their views had ever principally been confined : then their temporal interests were separate, and their mutual enmities frequent, fierce, and rancorous. But now the defence of their ancient religion was inculcated as the cause of all, and afforded a new pretence for insurrection : a pretence which operated so powerfully upon the Irish, that it seemed almost for the time to have absorbed the other numerous and heavy grievances, which Henry had accumulated upon their nation. Whoever makes the fair allowances for the workings of those principles and opinions, which have been inculcated into the pliancy of early youth, and which in every stage of life have been enforced and revered as the first concern of man ; whoever views a people of high national honour, filled with the pride of ancestry, enthusiastically devoted to the ministers of

\* Lord Clare's speech, 7. In this instance we may be allowed to hope, that the noble Earl was less accurate in predicting the future than in rehearsing the past : for he continues, " It has rendered her a blank amidst the nations " of Europe, and will, I fear, long continue to retard her progress in the " civilized world."

their religion, of quick sympathy and thoughtless impetuosity ; whoever considers that a small number of invaders had, for centuries, claimed the sovereignty of the whole, and by force, oppression, and terror actually kept possession of the select parts of their country, must necessarily perceive the effects which human nature, ever uniform in her operations, must have produced under these circumstances of provocation and oppression. Every part of the system was calculated for ends diametrically opposite to those of union. Archbishop Browne, the great agent of the Irish Reformation, found the utmost difficulty even in the seat of government to counteract the secret practices of Cromer and his party. The very clergy of his cathedral opposed his attempt to remove their images and relics, and had sent a special emissary to Rome to express their devotion to the holy father, and to implore his interposition in support of his spiritual authority in Ireland.\* So ignorant were the Romish partisans of the inflexible and determined spirit of Henry, that they addressed themselves to the Duke of Norfolk, and hoped by his mediation to divert the king from his scheme of reformation in Ireland. Several of the most respectable incumbents of the diocese of Dublin chose to resign their benefices rather than acknowledge the king's spiritual supremacy : nor did the new regal archbishop dare to fill their vacancies, till he had consulted his patron Lord Cromwell. He repeated his complaints to this minister of the difficulties he experienced from the ignorance and obstinacy of the clergy, with an insinuation, that he was not as strenuously supported by government as the critical occasion required. This archbishop (as from his conventual habits was to be expected) was slightly conversant with the practical delusions and intrigues of cabinets and courts. Expecting when he undertook this mission, that his zeal and enthusiasm for reform would have been backed by all the energy of the state, he sorely lamented his disappointment, and in a letter to his patron he said, " the viceroy is of little or no power " with the old natives, therefore your lordship will expect of

\* No motive that can be conceived to estrange the Irish from the English at this time was omitted : nothing neglected that could tend to provoke insurrection, or ensure its punishment. The Irish annalists tell us, that those who were commissioned to enforce the spiritual supremacy of the king, seized the most valuable utensils and furniture of the churches, which they exposed to sale without decency or reserve. Lord Gray burnt the cathedral of Down, and destroyed the ancient monuments of the Saints Patrick, Bridget, and Columbkille. The crucifix of the abbey of Ballibagan, and the celebrated crosier believed to have belonged to St. Patrick, which the natives at all times held in great relative veneration, were indignantly committed to the flames as objects of superstitious idolatry. The violence done by one party to the feelings and favourite prepossessions of the other, superadded to numberless provocations and insults, produced collisions in the body politic that threatened its very existence.

“ me no more than I am able.” This prelate was sent as it were on a single combat against the whole hierarchy of the Irish church: true it is, that he commanded all the lures and incentives that the state could furnish, and his apprehensions of the effects of forcing the natives to relinquish their own, and adopt another system of religion, have been forcibly felt after the lapse of more than two centuries; and are thus expressed by Dr. Leland.\* “ Ever since the first settlement of the Englishmen in Ireland, the old natives have always been desirous of some foreign power to support and govern them; and now both English and Irish sacrifice their private quarrels to the cause of religion, and seem on the point of forming a dangerous confederacy, which some foreigner may soon be invited to lead against the English government.”

Nearly four centuries had elapsed since the invasion of Ireland by the English; this whole space of time had been a chequered scene of arrogant oppression or servile humiliation; intemperate conquest or calamitous defeat; rancorous perfidy or hostile outrage. Fierce, cruel, and vindictive as the Irish were to each other, never till now did religion afford fuel to insurrection. Immorality, sloth, ignorance, perfidy, cruelty, and incontinence had been their mutual recriminations: both professed the principles, from which these were deviations: they both agreed in faith and communion upon spiritual points; but on temporal differences, they fought, betrayed, and massacred each other. But from the introduction of the Reformation into Ireland, we are to look for religious differences superadded to the former seeds of internal dissensions.

O’Nial, O’Brien, and several other Irish chieftains of less repute made the defence of their religion the cause or the pretext for rising in arms against the English government. They failed, and submitted to Henry; and their examples were followed by several other native dynasts. Henry began to learn by experience, that his power over the Irish would increase more rapidly by grace and favours, than by severity and force: he therefore adopted a new system; he held out every encouragement to the native chieftains to submit to his government; he bestowed favours, honours, and titles upon several of the chief families of those who came in, and induced them to resort to his court, where he honoured them with particular marks of attention, and loaded them with presents.†

\* 2 Leland, p. 171.

† Uliat de Burgo was created earl of Clanricarde and baron of Dunkellan: Murrough O’Brien earl of Thomond and baron of Inchequin; and his son Connor baron of Ibracken: O’Nial renounced his name, promised to follow the English manners and laws, and accepted of the title of earl of Tyrowen; and his son was by the same patent created baron of Dungannon.



These new lords thus constituted peers of parliament, and members of the Irish council, were to be allured to an intercourse with the king's servants, and habituated to an attendance on the state, so as to preserve (at least exteriorly) their attachment, and reconcile them to English government. For this purpose the king granted to each of the new earls a house and lands near Dublin, for their more convenient attendance on the lord lieutenant and parliament. They, as well as many other of the principal chieftains, surrendered their possessions into the king's hands, and accepted of fresh grants of them from the crown of England to be holden by military service. The Reformation made considerable progress with the great, who had something to gain by it; but it advanced more slowly, as it ever since has done, with the lower orders.\*

To second the disposition of the Irish, which now appeared favourable to peace, and to give weight and brilliancy to the English government, it was resolved to change the style of *Lord of Ireland*, with which the crown of England had hitherto been contented, to that of *King*. It was resolved in the English cabinet, that the Irish parliament should confer the title of King of Ireland upon Henry, and his heirs.† St. Leger was commissioned to summon a parliament; and by the first act thereof it is enacted, that forasmuch as the king, and his pro-

\* The observations of those, who remark that the bulk of the Irish nation adhere to their ancient faith more from fashion, prejudice, and influence, than from conviction, are futile in the extreme. No nation was so systematically devoted as the Irish to the will, dictates, and example of their chieftains. At present almost the whole of the nobility and gentry of Ireland are protestants, and above two-thirds of the population are catholic. Not only a very severe code of penal laws has long pressed upon these lower ranks of society as well as upon the higher orders; but from the beginning of the Reformation, over and above these statute laws, we find the great men of the nation who followed the example of Henry in renouncing the See of Rome, armed with the most arbitrary powers, and obliging themselves to exert them in exterminating such of their vassals, clans, or septs, who should refuse to follow their example of conformity. We are informed that O'Connor, and O'Dwyn or Dun, and O'Donnell covenanted with Henry, on the 6th of August, 33 Hen. VIII. (A. D. 1542.) by their separate indentures, that "they would renounce, relinquish, and annihilate, according to their abilities, the usurped authority and primacy of the Roman pontiff; and by no means receive, protect, or defend those who should adhere unto him; nor suffer them, or any of them, to exist in their country, but would, with all industry and diligence, expel, eject, and exterminate them and every of them, and force and compel them to submit themselves to the lord the king and his successors." It is said, that Hugh O'Kelly, abbot of Knockmoy, submitted also in this form; as did likewise O'Rourke, M'Donnell, and M'William, on the 18th of May, 1543. Other forms may also be seen in Sir R. Cox, 1 vol. p. 273. This example however, it is admitted on all hands, has been followed by, comparatively, few. This sharp-edged sword of persecution put into the hands of individuals, was little calculated to promote the union of the country.

† The collation of this royal dignity by the Irish nation alone, is a proof and a full recognition by England, of the absolute sovereignty and independence of the Irish nation.

genitors, ever rightfully enjoyed all authority royal by the name of *Lords of Ireland*, but for lack of the title of king were not duly obeyed, his highness, and his heirs for ever, should have the style and honour of *King of Ireland*, and that it should be deemed high treason to impeach that title, or to oppose the royal authority. Some salutary statutes regulating the process of law were enacted in this session of parliament; and an excellent law was passed relative to elections of members to serve in parliament, by which it was enacted, that those who were in future to have a right of voting were to be possessed in freehold of forty shillings a year; and that such as were elected for counties, cities and towns, should be resident in the places, for which they were elected. This was a most wise ordinance in order to keep alive the true spirit and duty of the elected; as strangers and non-residents never can so well know, much less attend to the interests of their electors, as those who live amongst them. In this parliament an act was also passed for the suppression of Kilmainham and other religious houses, and in furtherance of the Reformation upon the\* free surrenders and grants of the superiors. The county of Meath was divided into two shires, for a reason, which proves what a little way from the capital the jurisdiction of parliament, and the English law, and the authority of the crown then actually extended.† Meath was divided into two counties, viz. East and West Meath. One act however was passed in this parliament which, most injudiciously, tended to create fresh jealousies, and alienate the affections of the Irish. It was enacted, that on the death, resignation, or recall of a deputy, the chancellor should issue writs to the privy counsellors to assemble and chuse for governor, during the king's pleasure, a layman of English birth, and if none such could be procured, two laymen of English blood and surname to

\* This act was announced with great joy and exultation, and was followed up with a royal proclamation, to be seen in the Appendix, No. IV.

Henry, in order to carry the objects of this parliament, had made his terms with several from whom he expected opposition: immediately before the first session, he created John Rawson, late prior of Kilmainham, viscount Clantarfe; Edward Butler, baron of Dunboyne; Bernard Fitzpatrick, baron of Upper Ossory; Sir Oliver Plunket, baron of Louth; William Birmingham, baron of Carbury; and Thomas Eustace, viscount of Baltinglass. Thus peerages and promotions were dealt out with a prodigal hand, and in order to raise an emulation in all who had the power of thwarting his measures, the king caused it to be proclaimed in parliament, that it was his royal intention to confer more: thus pointing out unlimited devotion to his wishes as the sure and only road to preferment.

† For as much as the shire of Meth is great and large in circuit, and the west part thereof laid about and beset with divers of the king's rebels, and that in several partes thereof the king's writs, for lacke of ministration of justice, have not of late been obeyed, ne his grace's lawes put in due exercise: and that the said sheriffe of the said shire (being one of the Pale) is not able to execute the king's process and precepts, &c. *Preamble of the Act.*

be lords justices, to whom the lord chancellor should administer the oath and give patents. This distinction in favour of the English to the exclusion of the Irish, foreboded ill to the interests and prosperity of Ireland. To the Irish at least it must have appeared evident, that men born and having property in that country, who had a natural interest in, and therefore a necessary knowledge of the people, laws, and constitution, and who commanded every opportunity of observing circumstances that affected them, were the persons the most natural, most proper, and best qualified to preside in the government.

Notwithstanding these acts of the Irish parliament went generally to affect the whole kingdom, yet so sensible were the legislators themselves of the difference between such nominal acts and efficient laws, that this very parliament settled some ordinances of state for the regulation of such parts of the kingdom as were without the pale. These were not entirely consonant with the English laws, but such as might tend to the gradual reformation of those, who (as the preamble of these ordinances expresses it) were not "so perfectly acquainted with the laws, "that they could at once live and be governed by them." They were published by way of proclamation, on the 12th of July, 1542.\* And although no attempts were as yet made to introduce any new system of jurisprudence into other quarters of the island, yet a number of commissioners were appointed for each province, who were to exercise the office of the ancient Brehons, to hear and decide occasional controversies, or refer them to the deputy or council, where the cause was perplexed or the parties obstinate.†

Ere we conclude the reign of Henry, under which such vast changes were attempted in Ireland, we cannot better view the civil state of the nation at the close of his days, than in the perspective given of it by Sir John Davis :‡ "For all this while,

\* They were called temporary constitutions made by the lord deputy and council in *magno parlamento pro reformatione habitantium hujus regni in partibus Momonie qui nondum sic sapiunt leges et jura, ut secundum ea jam immediate vivere aut regi possunt*. Any public act of parliament to this effect would have been inconsistent with the statutes published in the 33d of Henry VIII. therefore this half-measured compromise came out as an act of the deputy and council, and was notified to the subject by way of proclamation. For the ordinances, vide App. No. V.

† Sir John Davies gives us the names of these commissioners, whom he calls *Orderers or Arbitrators*, who, instead of these Irish Brehons, should hear and determine all their controversies. In Conaught...the Archbishop of Tuam, the Bishop of Clonfert, Captain Wakeley, and Captain Ovington. In Munster...the Bishop of Waterford, the Bishop of Cork and Ross, the Mayor of Cork, and the Mayor of Youghall. In Ulster...the Archbishop of Armagh, and the Lord of Lowth. *Disc. p. 243....4.*

‡ *Disc. p. 247.* I am ever happy to recur to his authority: of which the most learned Irish antiquarian of latter days (Thomas O'Connor) said, that the Discovery of Sir John Davis is incomparably the most valuable work on



“ the provinces of Conaght and Ulster, and a good parte of  
 “ Leinster, were not reduced to shire ground. And though  
 “ Mounster were anciently divided into counties, the people  
 “ were so degenerate, as no justice of assize durst execute his  
 “ commission amongst them. None of the Irish lords or  
 “ tenants were settled in their possessions by anie graunte or  
 “ confirmation of the crowne, except the three great earls be-  
 “ fore named ; who, notwithstanding, did govern their tenants  
 “ and followers by the Irish or Brehon law, so as no treason,  
 “ murther, rape, or theft, committed in those countries, was  
 “ enquired of or punished by the law of England.” And he  
 also remarks : “ That the abbies and religious houses in Tyrone,  
 “ Tirconnel, and Fermanagh, though they were dissolved in  
 “ the 33d year of Henry VIII. were never surveyed nor re-  
 “ duced into charge, but were continually possessed by the reli-  
 “ gious persons until the reign of James I.”

In this state of things, O'Neal, O'Donnel, O'Dogherty, and some other Irish chieftains, either repenting of their too hasty submission, or weary of their dependance upon the English, proposed terms to the French king to become his subjects, on condition of his sending over a sufficient force to enable them to shake off the English yoke. Francis the First sent over the Bishop of Valence to reconnoitre and report to him the situation of the country, and the probability of expelling the English. This prelate found the chieftain of Tyrconnel and some other of the Irish dynasts to whom he applied, either so staunch to their engagements with Henry, or so averse from submitting to a foreign yoke, that the French monarch declined engaging in the affair. On the other hand the Irish shewed themselves ever ready to fight the battles of England ; and Henry was attended to the siege of Bologne by a considerable body of Irish infantry, who distinguished themselves by their activity and prowess.\* The enemy was astonished at the agility with which they made incursions for several leagues into their country, and the ferocity with which they attacked, seized, or destroyed all they met. Henry, by his wars on the continent and other expences, having exhausted his treasury, adopted a measure

the subject. It is contracted within a small compass, but indeed superior to all the rest united, for obtaining a just idea of the civil evils, which by a necessary recoil bring on a remedy, and force the worst state of things into a better. *Pref. to the Oggia vindicated.*

\* It is recorded of this Irish brigade, that when they ranged the French country, which is open and uninclosed, they carried with them a bull, which they tied to a stake, and then surrounded it with fire: the bellowing of the animal, as the fire scorched him, brought all the cattle within hearing to the spot, where they were made a prey of. As they gave no quarter to the enemy, the French gelded and otherwise tormented such of them as fell into their hands.

which rendered him unpopular even with his own subjects of the pale ; for as yet those without it could not be so called. He ordered base money to be coined in Ireland, and stamping it with a nominal value, he made it current, to the great injury of the people, especially of the soldiers.

The short reign of our infant Edward was considered, by Sir John Davis, to have been of such slight importance to the elucidation of this part of the Irish history, that in his *Discovery of the true Causes why Ireland was never entirely subdued, nor brought under Obedience to the Crown of England until the beginning of the Reign of James I.* he wholly omits any mention of it. There is, however, one feature to be traced in it, that strongly marks the pernicious and fatal consequences of thwarting the dispositions, exciting the disaffections, and encroaching upon the native rights of the Irish people. This ill-fated principle of anti-union was not only productive of oppression and calamity to Ireland, but of loss, detriment, and disgrace to England itself. *Feriunt sua tela nocentem.*

Immediately upon the demise of Henry, O'Moore, O'Byrne, O'Connor and some other chieftains shewed themselves in arms, hoping to take advantage of the weakness of the English government during the infancy of the monarch. But they were subdued by Sir Anthony Bellingham, who had been seasonably sent over with a reinforcement of 400 foot and 600 horse. Some time after the Earl of Desmond proving refractory and turbulent, was surprised in his house by the deputy and carried prisoner to Dublin. Sir Anthony Bellingham, instead of punishing him, so worked upon him by reason and mildness, that Desmond made sincere atonement for his crime, and was released upon giving sureties for his future good conduct: he continued a peaceable and loyal subject to his death.\* The administration of Bellingham, though honourable to himself and serviceable to the crown, was soon put an end to through jealousies and intrigues: he was accused of not effectually supporting the English interest, and of other malpractices: he was recalled to take his trial in England, but died before it came on, having first indignantly rejected terms of compromise from his accusers.†

In Ireland, says Leland,‡ the Reformation was tendered to a prejudiced and reluctant people. The avowed enemies of English government, and the factious opposers of English ad-

\* Desmond after his release daily prayed for the deputy by the name of the good *Bellingham*.

† Ormond his prime accuser was soon after poisoned with sixteen of his retinue at a feast at Ely House in Holborn: but whether by accident or treachery was never discovered.

‡ 2 Lel. 192.

ministration naturally regarded every new regulation in the affairs of religion, as arbitrary, oppressive, and injurious, and seized the occasion of inveighing against such offensive exertions of authority. The more peaceable, who had never been accustomed to a serious discussion of the great points in controversy, rested indolently upon the antiquity (as it is called) of the former establishments, and in this relaxed state of mind, were stricken with great terror at the denunciations of divine vengeance, thundered out by the friends of Rome against heresy and innovation. The vindictive character of Henry VIII. and the rigour of his government, had driven many of the pale as well as of the Irish race, to formal professions and condescensions, which the very ease and readiness, with which they were made, shew to have been made without due attention and serious conviction. The authority of a minor king was less esteemed or dreaded, at the same time, that the requisitions now to be made were more extensive and did greater violence to the popular prejudices. The protector Somerset having successfully proceeded with the work of the reformation in England, was resolved, that the Liturgy of the Church of England should, as well as other new ordinances concerning religion, be introduced into Ireland. Orders were accordingly sent over to convene a parliament for this purpose: but, whether from the apprehension of a violent opposition to the measure, or from what other cause, the design of convening an Irish parliament was laid aside, and the royal proclamation was transmitted, addressed to the clergy and enjoining the acceptance of the new Liturgy. This innovation in religion was unexpectedly and most violently opposed by Dowdall of Armagh, the new primate, who had been promoted to that dignity by the king. Besides Archbishop Browne four only of the Irish bishops\* submitted to the proclamation: and these five were not supported by their own clergy. The new Liturgy was performed for the first time on Easter Sunday, A. D. 1551, in the cathedral of Christ Church Dublin, in the presence of the deputy, magistrates, and the few of the Dublin clergy that had then conformed. Soon after this a most injudicious measure was adopted, that could but tend to ulcerate the public mind already tenderly sore upon the subject of religion. A public conference, or rather a theological disputation, was holden in St. Mary's abbey, between *Dowdall*, on behalf of the catholic, and *Staples* of Meath, on behalf of the reformed religion. This spiritual tournament produced it's natural and usual effect: each champion claimed the victory, each party retired with increased acrimony against

\* Viz. Staples of Meath, Lancaster of Kildare, Travers of Leighlin, and Cwyn of Limerick.



the other. The bulk of the nation adhering to their ancient faith, the cause of religion became the cause of the nation ; and it fatally seemed, as if the English government were predetermined not only to oppress, but to irritate the people of Ireland.

\* Doctor Leland informs us, that at this time John Bale, the violent and acrimonious impugner of popery, was nominated to the see of Ossory. His rigid and uncomplying spirit appeared immediately on his consecration. Even the weak among the new reformed, were terrified, and the Romish party held this spirited and turbulent enemy, in the utmost abhorrence. His learning, which was stupendous, compared with that of his Irish brethren, promised to do considerable service to the reformation in Ireland, and even the vehemence of his temper seemed well suited to the place and circumstance of his mission. But the truth is, that the business of religious reformation in Ireland, had hitherto been nothing more, than the impositions of English government, on a people vehemently addicted to their ancient worship; not sufficiently obedient to the English government, but slightly impressed with fear, and in no degree reconciled by kindness. Bale, insulted the prejudices of his flock without reserve or caution. They were provoked, and not so restrained or awed by the civil power, as to dissemble their resentments. • During the short period of his residence in Ireland, he lived in a continual state of fear and persecution. On his first preaching the reformed doctrines, his clergy forsook him or opposed him ; and to such violence was the populace spirited up against him, that five of his domestics were slain before his face: and his own life was saved by the interposition of the magistrate.

As a mean of establishing the tranquillity of Ireland on a more permanent basis, warm applications were made by the deputy to the English cabinet for an extension of the English law to the Irish natives, throughout the kingdom. But they were not attended to. Times and circumstances were altered. When the power and possessions of the Irish were confined within much more limited bounds, when they smarted under the various oppressions of the adventurers from Britain, they desired, they entreated, they offered to purchase the participation of the English law. Their sentiments were changed with their circumstances: and they had relapsed into all their innate prepossessions in favour of their ancient institutions. The late attempts to force them to renounce their ancient faith, which they had received from St. Patrick, and to adopt a new system of religion with an English ritual, naturally connected themselves with the national prejudices, against English oppression ; and

co-operated in raising the insurrection of Tyrone, for the suppression of which, we must look to a later period of the Irish history. This nobleman, notwithstanding the fulness of his late submission, and his acceptance of an English title, retained all his native predilections for the greatness and regal splendour of his family. He had once pronounced a curse on those of his posterity, who should conform to the English manners, or associate with the Saxon race. With this he was often upbraided by his kinsmen and followers; and finding the Irish nation now more estranged than ever from the English government, by their recent attempt to force them out of their religion, he chose this as the most favourable moment to shake off the trammels of allegiance, and revert to the ancient consequence and independence of O'Nial.

The unexpected death of Edward VI. and the short reign of his sister Mary, gave a temporary respite to the troubled state of Ireland, as far at least, as it depended upon England. But inasmuch as all the measures of the British cabinet in the former reign which affected Ireland, related solely to the ecclesiastical system: so the principal effect of the accession of Queen Mary to the throne of her ancestors was, that she first by a proclamation counteracted, and did away whatever innovations had been introduced into the ecclesiastical establishment, by the proclamation of her infant brother. She then convened a parliament, which repealed all the acts of her father touching religion, which had been passed after the twentieth year of his reign, and the civil establishment of the Catholic religion was precisely restored to the state, in which King Henry VIII. had found it on the demise of Henry VII. The Protestant bishops were deprived, and Catholic bishops substituted to their sees. The possessions of the church, which had passed into lay hands, were confirmed to the possessors, as they were in England, by the concurrent approbation of the lords, spiritual and temporal, the sovereign, and the pope. This parliament of the 3d and 4th of Phillip and Mary, began with declaring that the queen had been born in lawful wedlock, and therefore annulled and repealed all sentences of divorce, and all acts passed in the reign of Henry, by which the succession to the crown had been settled to the prejudice of Mary. They adopted the proceedings of the English parliament for ascertaining such offences against the king and queen, as should be deemed treason: and for the government and administration of the realm by their issue.

Besides the acts passed in this parliament for the restoration of the civil establishment of the Catholic religion, others were passed for the civil government of the realm.\* The usual sub-

\* Borlase in his *Reduction of Ireland*, p. 117, says that the Earl of Sussex passed many acts to the benefit of the nation, and returned into England December 4, 1557.

sidy, and for the usual term, was granted to the queen for the special purpose, as the act expresses it, of enabling her Majesty to expel the Scotch islanders, who had emigrated from their own country as an avowed band of mercenaries. These adventurers having come over upon the speculation of profiting of the internal dissensions of the Irish chieftains, were open to which ever party held out the most lucrative terms. Their numbers were so considerable, and their outrages so alarming, that it was declared to be high treason to invite them into Ireland or to entertain them, and felony to intermarry with them without licence of the lord lieutenant. The advantages gained by the Earl of Sussex over the two most powerful septs of Leinster, the O'Moors, and the O'Connors, enabled the English to extend the pale, by reducing their territories of *Leix* and *Offaly* into two counties: they were by act of parliament vested in the crown and converted into shire land. *Leix* was denominated the queen's county, and its principal fort was styled *Maryburgh*: and with a like compliment to her royal consort, *Offaly* was called the king's county, and its fort was called *Phillipstown*; "which," as Sir John Davis observes, "were the two first counties, that had been made in this kingdom, since the 12th year of King John." And he continues. "This noble earle having thus extended the jurisdiction of the English into two counties more, was not satisfied with that addition, but took a resolution to divide all the rest of the Irish counties unreduced into several shires: and to that end he caused an act \* to passe in the same parliament, authorizing the lord chancellor from time to time to award commissions to such persons, as the lord deputy should nominate and appoint to viewe and perambulate those Irish territories; and thereupon to divide and limit the same into such and so manie several counties, as they should thinke meete; which being certified to the lord deputie and approved by him, should bee returned and enrolled in the Chancery, and from thenceforth be of like force and effect, as if it were doone by act of parliament. Thus did the Earle of Sussex lay open a passage for the civill government into the unreformed partes of this kingdome; but himself proceeded no further than is before declared."

So confident was the English government of the tranquil and pacific disposition of the Irish in this reign, that the queen ordered the army to be reduced to 500 men; but that was not thought reasonable in Ireland. However, in order to comply as far as circumstances would allow with her majesty's orders,

\* To shew the precarious title of the crown out of the pale, the preamble of this act particularly recites, that as these territories were known not to be within any shire of the kingdom, no title for the king could be found, as will be seen at large in the 1st Section of 2 Chap. of 3 and 4 P. and M. App. No. VI.



the army was reduced to 600 foot, 460 horse, and some few kerns.\* The turbulence, however, of the Irish chiefs, and their incessant wars with each other, and the refractory and lawless conduct of the Scottish adventurers, rendered it necessary to encrease the army with fresh reinforcements from England. Although the Irish were, in general, highly gratified by the restoration of the Catholic religion to its ancient footing in this reign, yet were they not altogether satisfied with the civil administration of the power of the crown within their kingdom. They were particularly sore at the power vested in the Lord Lieutenant, to dispose of the territories of *Leix* and *Offaly* in grants at the royal pleasure, in violence to the rights of those natives, to whom those lands had hitherto belonged. So that O'Sullivan, the Irish annalist, plainly avows, that notwithstanding her zeal for supporting and promoting the Catholic religion, yet was her administration injurious to Ireland.†

\* Light Infantry.

† *Quæ tametsi Catholicam religionem tueri et amplificare conata est, ejus tamen præfecti et conciliarii injuriam Ibernis inferre non destiterunt.* Sull. Cath. Hist. p. 82.

## CHAPTER II.

## THE REIGN OF ELIZABETH.

UPON the demise of the crown in 1558, Queen Elizabeth found the Irish nation more tranquil and submissive to the English government than it had been under any of her predecessors. She prudently continued the Earl of Sussex in the Lieutenancy, who was very acceptable to most of the natives, and had, with a garrison of 320 horse and 1360 foot, kept Ireland in a peaceable and quiet condition.\* Yet, notwithstanding the general disposition of the nation to be submissive to the English government, none of the provinces were altogether free from the disorders of internal dissension. It may be naturally presumed, that much of the pacific conduct of the Irish during the short reign of Mary, was attributable to the general satisfaction, which the redintegration of the civil establishment of the Catholic religion afforded to the nation at large. But no sooner had Elizabeth declared for the Reformation, than general discontent pervaded the whole nation within and without the pale. Amongst the first instructions sent to Lord Sussex, written in Cecil's own hand, were directions to make a survey of all lands, both spiritual and temporal, that no lands should be letten but upon the best survey, and that the lands of Leix and Offaly should be disposed of to tenants and their heirs male, to the best advantage of the queen and the country. "He had it also (says Borlase) in charge strictly to look to the Irish, who being a "superstitious nation, may easily be seduced to rebellion, "through the practices of the French (then at difference with "England), under pretext of religion." Every province was soon thrown into a state of commotion or disposed to insurrection. Munster was distracted by the inveterate enmities and animosities of the O'Brians, Thomond, Desmond, and Ormond. Connaught was miserably harassed by the feuds subsisting between Clanricarde and another sept of the De Burghos. In Leinster, the survivors of the old families of Leix and O'Fally considered themselves deprived of their inheritances, by an iniquitous scheme of fraud and treachery, supported by power, violence, and oppression: they were stimulated by revenge and a spirit of reprisal to rise in arms, and seize every opportunity of harassing and despoiling the grantees of their lands. The North was threatened with the most formidable insurrection

\* 1 Borl. Red. p. 121.

from John O’Nial; who, upon the death of his father in confinement at Dublin, now claimed the royal sovereignty of the whole province of Ulster.

In this situation of affairs, Elizabeth’s first concern was to spread the influence of the reformed religion through Ireland, as she had successfully done throughout England; not only as to the spiritual supremacy, which alone her father had attempted, but as to several dogmatical points of faith. Conscious that this innovation would be strongly opposed even by a parliament of the pale, she gave special instructions to her lieutenant to prædispose the members to the measure, and ordered writs to be issued to the representatives of ten counties; whereas for a long series of years they had only been issued to six. Being tolerably sure of a majority in both houses, a parliament was convened in the second year of her reign; by which it was enacted, that the spiritual jurisdiction should be restored to the crown: that all the acts of her sister Mary by which the *civil establishment* of the Roman Catholic religion had been restored, should be repealed: that the queen should be enabled to appoint commissioners to exercise *ecclesiastical* jurisdiction: that all officers or ministers, ecclesiastical or lay, should on pain of forfeiture and total incapacity take the oath of supremacy: that every person, as well as his aider, abettor, or counsellor, who should in any way maintain the spiritual supremacy of the Bishop of Rome, should forfeit for the first offence, all his estates real and personal (or be imprisoned for one year if not worth 20*l.*), incur a præmunire for the second offence, and become guilty of high treason for the third offence: that the use of the Common Prayer should be enforced as in England: that every person should resort to the established church, and attend the new service under pain of ecclesiastical censures, and of the forfeiture of twelve-pence for every offence, to be levied by the church-wardens by distress of the lands or chattels of the defaulter: that the first fruits and twentieths of all church revenues should be restored to the crown; and the old writ and form of *congé d’élire* should be superseded by the king’s letters patent, by which in future all collations to vacant sees should be made. These ordinances were followed by an act of recognition of the queen’s title to the crown; and it was made a case of *præmunire* to speak, and treason to write against it.

So much had Sussex been alarmed by the opposition he had encountered in parliament,\* though he ultimately succeeded, that he found it necessary quickly to dissolve it. He repaired to England to give to the queen, in person, a minute and faithful account of the reception these new laws had met with from the

\* It sat from the 12th of January to the 12th of February.



Irish nation. The immediate effects of this parliament are thus described by Dr. Leland.\* “The people were particularly provoked by the violence offered to their religious prejudices. The partisans of Rome inveighed against the heretical queen and her impious ministers. The clergy, who refused to conform, abandoned their cures; no reformed ministers could be found to supply their places; the churches fell to ruin; the people were left without any religious worship or institution, even in places of most civility; and the statutes lately made were evaded or neglected with impunity.”

In this general discontent of the nation, the whole kingdom was for several years convulsed, either with the internal feuds and wars of the chieftains with each other, or the grand insurrection of O’Nial, that ended by his treacherous murder at a banquet in the camp of the Scotch adventurers. In order to put an end to the factions and disturbances of the nation, to provide for the necessities of government, and forward both the civil and ecclesiastical reform of the nation, Elizabeth, in the eleventh year of her reign, convened another parliament, which continued by several prorogations to the thirteenth. This parliament, like most other parliaments of Ireland, amidst some plausible and beneficial acts contrived to pass others, which in their nature could but increase the disaffection of the people, and consequently operate to the prejudice of both kingdoms. Such must ever be the effect of the unconstitutional formation of a parliament for the base purpose of giving legislative sanction to unjust measures.† Whilst the English government pursued a system so glaringly opposite to the will of the Irish people, and consequently destructive of their peace and welfare, a strong opposition was to be expected from every member, who had not already betrayed his country through fear, or sold it for lucre.

\* 2 Lel. p. 226. We have a very fair and candid judgment of recent authority, for the impolicy and injustice of the system of government carried on in Ireland, under Queen Elizabeth. “It seems difficult to conceive any more unjust or impolitic act of government, than an attempt to force new modes of religious faith and worship by severe penalties, upon a rude, superstitious, and unlettered people. Persecutions or attempts to force conscience will never produce conviction. They are calculated only to make hypocrites or martyrs: and accordingly the violence committed by the regency of Edward, and continued by Elizabeth, to force the reformed religion on Ireland, had no other effect, than to foment a general disaffection to the English government; a disaffection so general, as to induce Philip II. of Spain to attempt partial descents on the Southern coasts of this island, preparatory to his meditated attack upon England.” *Speech of Lord Clare in the Irish House of Lords, 10th of February, 1800, p. 9.*

† It has often been said that England could never be ruined but by a parliament. And there has been too much reason for many late assertions, that Ireland could not be saved whilst it had a parliament.

I have followed Dr. Leland (2 vol. p. 241) in describing this early essay of legislating by a sure majority.

The intentions of government had been foreseen, and the utmost efforts openly exerted to strengthen their interest: for this purpose, considerable management had been used, and even great irregularities committed in the elections and returns of the commons. Stanihurst, recorder of Dublin, and sir Christopher Barnewall, a favourite of the old English race, were proposed by their respective partisans, for the office of speaker; and the election of Stanihurst, by the influence of the court, served to enrage the party in opposition. Barnewall, who was esteemed for his political knowledge, insisted that the present House of Commons was illegally constituted; on this ground, he opposed the admission of any bill, and was supported by Sir Edmond Butler and the whole of the real landed interest of the kingdom. In proof of the assertion, it was alleged, that several were returned members for towns not incorporated; that several sheriffs and magistrates of corporations had returned themselves; but above all, that numbers of Englishmen had been elected, and returned as burgesses for towns, which they had never seen or known, and consequently could not be considered residents, as the laws directed. Four days were spent in clamorous altercation; the discontented members declaring, with great violence, against receiving any bill, or proceeding on any business. The speaker attended the lord deputy and council, to explain their objections to the constitution of the house. The judges were consulted, and they declared, that those returned for towns not incorporated, and the magistrates who had returned themselves, were incapable of sitting in parliament: but as to the members not resident in the towns for which they were returned, that they were entitled to retain their seats, and that the penalty of returning them should alight on the respective sheriffs: a decision which still left the government that majority of friends, which so much pains had been taken to procure; and which consequently increased the violence of the opposite party. Nor did the clamour cease until the judges came to the commons house, and there avowed their opinion; when Barnewall and his party reluctantly acquiesced, and reserved themselves for a vigorous contest against the measures of those, whom they regarded as an *English faction*.

Amongst the Englishmen returned to this parliament, was Mr. Hooker,\* member for Athunree; he was also a member of the English parliament, and acquainted with the order and usage of its proceedings; he affected to be highly scandalized at the tumult and irregularity of the Irish commons, but was himself most violent in his opposition to Barnewall and his

\* To him we are indebted for these particulars.

party. He broached some doctrines upon the royal prerogative, which though familiar in England, were yet novelties to the native Irish, who, looking up to the ancient constitution, were as yet neither dazzled by the splendour of a court, nor terrified by the peremptory decisions of an imperious monarch. It raised a flame so violent, that the assembly was adjourned in confusion, and Hooker retired under protection of a guard to his house. This violence having abated after some days they proceeded to business.

It is to be presumed, that had there not been so formidable an opposition, more acts would have been passed to forward the Reformation. One statute only, and that in the fourth session, was passed which concerned religion, by which the governor was empowered to present to all the dignities of Munster and Connaught for ten years, in consequence of abuses by presenting improper persons. *The Act for the Attainder of Shane O'Neile, and the extinguishment of the name O'Neile, and the entitling of the Queen's Majestie, her heyres and successors, to the county of Tyrone, and to other countries and territories in Ulster* (11th Eliz. C. 1. Sess. 3.) seems to have been pointedly calculated to insult the feelings of the Irish nation, and consequently to enflame their animosity and rancour. It enumerates all his acts of outrage and rebellion in a style of vindictive acrimony, and in order to expose the futility of the pretences of this, or any Irish family to sovereignty in Ireland, it affects to deduce the title of the English monarch to the absolute sovereignty of the whole kingdom of Ireland as paramount even to the Milesian race of kings:\* setting forth a fabulous tale of one King Gurmonde, son to the noble King Belan of Great Britain, who was Lord of Bayon in Spain, as many of his successors were to the time of Henry II. who possessed the island *afore the coming of Irishmen into the said lande*. This was a most wanton act of violence offered to the feelings of a people, singularly proud of their royal lineage and ancestry, and by public institution scrupulously chaste as to the fidelity of their national traditions. Nothing short of a wish to goad them into rebellion, could have so effectually spirited them up to it, as thus kindling the flame of patriotism by a collision with their national honour.

Aversions and affections are usually reciprocal. Elizabeth was hated by the generality of the Irish, and she as cordially detested them. The insurrection of Desmond, Clanricarde, and other chieftains, kept the country in a constant state of warfare. The unsuccessful attempts of Sir Thomas Smith, and afterwards of the queen's prime favourite the Earl of Essex†, to

\* For this curious abstract of the queen's title to all the land in Ireland, vide the Appendix No. VII. as it is recorded in the statute.

† Few circumstances so truly delineate the spirit and power of an enemy, as the unreserved and confidential reports of the person who has to oppose them,



establish an English settlement in Ulster, upon the forfeited lands, greatly exasperated the queen. In the indulgence of her resentment she afforded new grounds of disaffection even to her own subjects within the pale. She ordered Sir William Sidney, her lieutenant, to impose by the mere authority of council a new tax, by way of composition for the charge of purveyance, which amounted to about twelve pounds for every plough land. A general and violent discontent was the immediate consequence of this act of government, which was followed up by a remonstrance to the lord lieutenant against a system of taxation so oppressive and unconstitutional. Sydney persisted in supporting the prerogative, by which he contended the queen had a right to impose the tax; but offered to moderate it. Opposition in a cause so popular gained daily accession of strength: the principal lords through all parts of the realm refused obedience to the edict of council, and enjoined their tenants and dependants to refuse payment of the assessment. The inhabitants of the pale finding no redress from their governors, assembled, deliberated upon their grievances, and resolved to depute three confidential agents or commissioners to procure redress from the queen. They presented to her Majesty a written memorial of their case, signed by the Lords Baltinglass, Delwin, Hoath, Trimblestowne, and Bellew, Mr. Nangle, some of the families of Plunket, and Nugent, with other distinguished inhabitants of the counties of Meath, and Dublin, in the names of all the subjects of the English pale. In lieu of redress, of which the agents were confident, they were by order of the queen committed to the Fleet prison as contumacious opposers of the royal authority: she also sent orders to Sydney to confine every person, who should offer any opposition or remonstrance against the new imposition, and dismiss from their offices all her servants and counsellors learned in the law, who had been present at the original complaint, and neglected to maintain her royal prerogative. Some gentlemen of the first distinction again remonstrated against this unconstitutional mode of taxation, and insisted upon paying no tax not legally imposed by parliament. They were instantly committed to close confinement in the castle; and the agents in England upon a second application to the throne were removed from the Fleet to the Tower; a proceeding which implied that their offence was considered to be of a treasonable nature. The whole body of Irish subjects took the alarm, and the unanimity of their voice even terrified this arbitrary monarch. Both agents and remonstrants were ungraciously dismissed,

in communications, which are not intended for the public eye. The letter of Essex to the queen will let us into more light upon the state of the English power in Ireland at this time, than the most elaborate representations of contemporary, much more of modern authors. Vide App. No. VIII.

upon making an acknowledgment that they intended not to resist any just prerogative of the crown. This forced submission of the imperious queen to the rights of her Irish subjects, was probably wrung from her by the intelligence she had received of the intentions of the King of Spain to invade her kingdoms, in retaliation for her fomenting and supporting the insurrection of his rebellious subjects in the Netherlands. Applications also had been frequent and urgent from the Irish chieftains to the court of Rome, for succours to enable them to shake off the English yoke, and preserve their ancient religion.

The insurrection of Desmond was not yet subdued: and a band of private adventurers, partly Spanish, partly Italian, and partly Irish, who had instigated them to the enterprise, landed a body of about 600 men on the coast of Kerry: they brought with them ammunition and arms for 5000 men; and took possession of the fort of Smerwick, which the Spaniards had began to erect but left unfinished. They were not joined as they expected by the Irish: being overpowered by numbers they surrendered at discretion; and horrible to relate, every individual except the commander and his staff, after having laid down their arms, was massacred in cold blood. This military butchery was committed under the orders of Sir Walter Raleigh, who commanded the besieging force: it was attempted to be justified by the imperious circumstance of an inferiority of numbers on the side of victory; and the queen is reported to have strongly reprobated the measure, when informed of it. It was however followed up with as much increased rancour and virulence against the queen, as if she had with her own hand signed the mandate for this bloody execution, after a solemn treaty upon oath, that the foreigners should be permitted to depart unmolested with all the honours of war.

Although the insurrection of Desmond were now nearly suppressed, yet such was the fatality of Ireland, that she was ever to be a stranger to the enjoyment of national peace and tranquillity; for scarcely could the olive branch be distinguished through the turbulent atmosphere of blood and slaughter, ere she were again provoked by the excessive rigour of her governors into fresh outrages. The Baron of Lixnau openly appeared in arms and was quelled; he pleaded that he had been irritated into rebellion by the galling oppressions of Grey and his officers. In this instance the cry of grievance was not unattended to: policy created justice: Lord Grey was recalled, and a general amnesty offered to such of the rebels as would accept of it. The queen had been for once truly informed, that if her governor continued to tyrannise with such barbarity, little would be left in Ireland for her majesty to reign over, but ashes and carcases.

The dissatisfaction of the Irish at the attempts to force the reformed religion upon them, and the excommunication of Eli-

zabeth by Pius the Fifth, afforded a popular pretext for any rising against the government: the queen however was resolved to profit of the first appearance of tranquillity to convene a parliament. Desmond had been found in a retired cabin and beheaded by a common soldier; and Baltinglass had fled in despair into Spain; Sir John Perrot the deputy had by his activity brought the nation into a more general disposition to loyalty, than had been manifested at any time since the accession of Elizabeth to the throne. It was the pride of Sir John Perrot to diffuse a spirit of submission and conformity to the English government, laws, and customs amongst the native Irish. To this parliament were summoned all the Irish chiefs, and many of them attended: but being so differently constituted, government could not expect from it\* the same ductility they had experienced from the last. No attempt was even made in support of the new religion. The first part of the business of the session was a motion from the court party for a suspension of Poyning's law, which was negatived by the opposite or country party; these gentlemen, particularly from the experience of the late parliament, were little disposed to invest the governor with a power of assenting to any laws, which might be procured in parliament: not having been yet broken in to the systematic support of measures by anticipation, they brought with them a very strong, though natural, jealousy and suspicion, that administration meditated some scheme of oppressive and extraordinary taxation. In this spirit they also opposed some other of the transmitted bills: even that for the renewal of the ordinary subsidy of 13s. 4d. for every plough land. They most determinedly rejected a bill for vesting in the queen the lands of traitors without office or inquisition, or even to declare those traitors, who should rebelliously detain any of her castles. The minister of the crown finding the parliament in a disposition to maintain the rights of Ireland against all demands and instructions from England, prorogued it after a short session of contest and opposition.† The second session of this parliament was begun on the 26th of April, 1586, and with much difficulty was the bill for the attainder of Desmond passed. The grand object of this bill was the forfeiture of his vast possessions, which were then computed at 574,628 Irish acres. In order to prevent this forfeiture, a feoffment from Desmond of all these lands previous to his treason was produced by one of the members, who was a Geraldine. The house was at first embarrassed,

\* The Annals of the Four Masters give the names of many of the Milesian families that attended this parliament, which was the first that extended beyond the pale. Vide Appendix, No. IX.

† Two acts were only passed in this first session, viz. for the attainder of Lord Baltinglass, and reversing that of Lord Walter Delahyde.



and about to acquiesce in the validity of the instrument, when the original of an association was produced of a date prior to that of the fraudulent grant, to which the name of this Giraldine was subscribed, and which expressly avowed the defiance and opposition of it's members to the queen's government.\* The bill then passed without further opposition for the attainder of Desmond and about 140 of his accomplices, and all their honours and estates were declared to be forfeited to the crown. This also gave occasion to another bill for annulling any such fraudulent conveyances in future. Some other bills of regulation were passed, particularly that for the impost and custom of wines, which had been thrown out in the former session.† From this time is to be dated the commencement of that unparalleled system of confiscation and depopulation, which being in its nature diametrically opposite from that of union pointedly marks the evils, which so long afflicted Ireland from the want of this salutary measure.

In order to extirpate the aboriginal owners of the soil, transpose the property and alter the very face of the country, Elizabeth now entered upon her favourite scheme of planting or repeopling Munster with an English colony. Letters were written to every county in England, to encourage younger brothers to become undertakers, or adventurers in Ireland. Estates were offered in fee at a small acreable rent of three-pence, and in some places two-pence, to commence at the end of three years; and one half only of these rents was to be demanded for the three following. Seven years were to be allowed to complete the plantation. The undertaker for 12000 acres was to plant eighty-six families on his estates; those who engaged for less seigniories, were to provide in proportion. None of the native Irish were to be admitted among their tenantry. And amongst other advantages, they were assured that sufficient garrisons should be stationed on their frontiers, and commissioners appointed to decide their controversies. Sir Christopher Hatton, Sir Walter Raleigh, Sir Thomas Norris, Sir Warham Saintleger, Sir George Bouchier, and a number of other gentlemen of power and distinction received grants of different portions.

In Connaught another system was pursued, which tended proportionally to sharpen the rancour of the people against the government. The sheriffs and other officers of justice, who had been admitted by the burghers, followed the example of the

\* In order to shew the nature and grounds of this insurrection of Desmond, the form of the association is given in the Appendix, No. X. and also a letter from Desmond to Ormonde.

† As a proof of the humour of these times, they passed an act against witchcraft and sorcery.

lord president, and acted not only with rigour, but with impiousness. They entered the several counties, attended with large bodies of armed men, pillaging the inhabitants, whom they affected to despise, terrifying them with their military train, and rendering the execution of the laws odious and oppressive : thus confirming and encreasing their aversion from a system accepted with reluctance.\* Sir Richard Perrot severely reprobated the harsh and violent government of Bingham, urging several instances, in which the old inhabitants had been provoked and forced into insurrection by injustice, rigour, and oppression. Bingham on the other hand urged the necessity of a strict and severe government in a disordered state, the restlessness and insincerity of the old natives, and the danger to be apprehended from the governor's present indulgence.† Whether in this (as in more recent instances) the system of mildness or that of rigour were ultimately more conducive to the welfare of the state, will ever be controverted by the respective advocates for moderation or terrorism. It must however be admitted on all hands, that submission produced by fear, is ever different from the obedience and fidelity, which spring out of affection and attachment.

It may not perhaps be altogether candid to lay to the account of Elizabeth every abuse of power by her deputy ; the Irish however who smarted under the abuse, would not easily detach the vice of the agent from that of the principal. Sir William Fitzwilliam, the new deputy, is represented to have been

\* Sir John Davis tells us, p. 251, that to enure and acquaint the people of Munster and Connaught, with the English government againe (which had not been in use amongst them for the space of 200 years before) Sir Henrie Sydney had instituted two presidency courtes in those two provinces, placing Sir Edward Tritton in Connaught, and Sir John Perrot in Mounster ; (and p. 252 :) Though he reduced all Connaught into counties, he never sent any justices of assize to visite that provence, but placed commissioners there, who governed it only in a *course of discretion*, part martial and part civil. Sir Richard Bingham presided in Connaught whilst Sir Richard Perrot was the lord deputy. Sir Richard Perrot considered the peace and welfare of Ireland, as the honour and advantage of England, and was desirous of extending the English ascendancy by coalescing and uniting with the natives, and bringing their several interests into a common focus, by a mild though efficient government. Sir Richard Bingham was supported by the court in carrying on a government of rigour, cruelty, and oppression, and he ultimately succeeded in overturning the administration of Perrot.

† It has been too frequently the case in Ireland, that the governors, who have deserved the best of Ireland, have fallen victims to a spirit of intrigue in England, or rather to the English ascendancy in the Irish cabinet. Perrot was recalled, accused and found guilty of treason, but died before judgment was executed upon him. Borlase says, the queen's anger being qualified, there were great hopes of his pardon. (P. 140.) His biographist says of him, *Pacificavit Connaciam, relaxavit Mediam, Subjugavit Ultoniam, fregit Lageniam, ligavit Mononiam, Extirpavit Scotos, refrénavit Anglos : & his omnibus peræque vectigal acquisivit Reginæ.*

interested and corrupt in the extreme: considering himself sent out to that government with a view to reward former services still unrequited, he assumed the government as a source of self-remuneration, and resolved to take every occasion of converting it to his own emolument. In search of imaginary treasures brought into the country by that part of the Spanish armada, which had been driven on the north western coast, he drove O'Rourke of Breffney\* into open rebellion; and without any proof, or even presumption of guilt, he committed Sir Owen Mac Toole, and Sir John O'Dogherty to close confinement in the castle of Dublin: these two persons eminently respected within the pale, had rendered signal services to government, and were always known to have been well affected. Fitzwilliam chose to suspect them of having secreted Spanish treasure: and on that charge alone kept them confined without means of justifying themselves by any sort of trial. One was released on the point of death, brought on by the severity of his durance, and the other after two years imprisonment purchased his liberty for an enormous sum of money. This severe and arbitrary treatment of two persons universally revered, was received with universal abhorrence. The loyal Irish trembled for their own safety: many repented of their submissions: and the disaffected were confirmed in their inveteracy. And as if the secret fire of discontent and animosity were not sufficiently kindled in the northern province, Fitzwilliam by his intemperate conduct seemed to court every occasion of feeding the flame.

*Mac Mahon*, chief of the district called Monaghan, had surrendered his country, holden by Tanistry, to the queen, and had taken a regrant thereof from the crown to himself in tail male, with remainder in like manner to his brother Hugh. Having died without issue, Hugh petitioned to be admitted to his inheritance: but immediately upon his arrival in Dublin, he was committed to prison. Fitz-William went into Monaghan, where he received an accusation against Hugh, that two years before he had hostilely entered into a neighbouring district to recover some rent due to him by force of arms. In the unreformed parts of Ireland, these actions were common and unnoticed; but the English law made them treasonable. The unhappy Mac Mahon for an offence committed before the law, which made it capital, had been received in his country, was tried, condemned by a jury (said to have been formed of private soldiers), and executed, in two days, to the utter consternation of his countrymen. His estate was distributed to Sir

\* After some hostilities he was obliged to flee to Scotland, where by the order of the king he was seized and delivered up to Elizabeth: he was afterwards hanged as a traitor in London.



Henry Bagnall and other adventurers, and four of the sept of *Mac Mahon*.\*

Such being the situation of the Irish, any affectionate attachment to the queen was not to be expected from them: their forced submission could be no more than an insidious suspension of hostilities, till the favourable moment for rising in arms should present itself. The insurrection soon became general;† and so precarious did the very existence of the English power appear to government, that the queen condescended to appoint a commission of Sir Robert Gardiner and Sir Henry Wallop to conclude a peace with the Irish. This treaty was very solemn, and whilst it was pending, most of the Irish potentates made their complaints and petitions for redress of their respective grievances, which are to be seen at large in Morryson, p. 113. It produced, however, no more than a truce for some months, viz. to the 1st of April, 1596. The English historians generally attribute the failure of this treaty to the insolent and unconscientious demands of the Irish, whose terms (according to the Lambeth manuscript) were three, viz. 1. A general liberty of conscience. 2. A general pardon for all. 3. That no garrison, sheriff, or officer should remain in any of their countries (Newry and Carrickfergus excepted). After the recommencement of hostilities, the remainder of Elizabeth's reign was a continued scene of the most disastrous war, famine, and desolation. The council gave it under their hands, *that it was an universal Irish rebellion to shake off all English government*. For a series of years, particularly during the government of the Queen's favourite Essex, the arms of England were unsuccessful,

\* Sir Richard Cox. 1 vol. p. 359, says, that it cost him 600 cows to get a promise to be settled in his brother's inheritance; and that the four Mac Mahons who received grants of parts of these estates, gave large bribes to the deputy. However, says he, it must be observed, that from henceforward the Irish loathed sheriffs and the English neighbourhood, as fearing in time they might all follow the fate of Mac Mahon, and therefore in the great treaty of Dundalk, in January 1595, they all desired to be exempted from garrisons, sheriffs and other officers.

† The insurrection though general was not universal: for after the general submission to the queen, in the last parliament, it is remarkable, that no chiefs of the Kavenaghs, O'Moores, O'Tools, O'Dempsies, or O'Connors could ever be brought to join in O'Neil's insurrection, notwithstanding they adhered to the religion of their ancestors, against which such severe laws had been enacted. A great share of the odium of government fell upon Fenton, the secretary, who had maintained his situation in a sort of independence of each deputy and governor through several successive administrations. He was supported by the personal favour of the queen, to whom he frequently repaired to lay before her the state of affairs in Ireland, and his own complaints of the different officers, so that he was said to be a moth in the garments of all the deputies of his time. He had established his own consequence in the oppression of the Irish, and abused the confidence of the queen, by useful and false representations, to continue the same pernicious system of government for his own emolument and security.

During these violent contentions, every enormity was committed by both parties, at the very recital of which the soul sickens. At length the mutual system of devastation became so general, that the produce of that fertile island no longer sufficed to support its wretched inhabitants. The putrefied bodies of multitudes that fell daily, more by famine than the sword, brought on a pestilence, which threatened to clear the land of its aboriginal race. The advantages in this rueful state of calamity were of course with the English, who by commanding the coasts were supplied with provisions and other means of subsistence from England. This calamitous war was at last put an end to by the forced submission of Tyrone, and the dispersion of the other chieftains who had joined him in the rebellion.

The irascible and haughty character of Elizabeth was so affected by the obstinate resistance of Tyrone, and her feelings were so worked upon by the disgrace, trial, and execution of Essex, all of which she laid to the account of her rebellious subjects in Ireland, that her dissolution is generally supposed to have been accelerated from these causes. The Lord Deputy Mountjoy pressed upon Cecil the absolute necessity of an amicable conclusion to the war. But the irritated mind of the queen interposed unsurmountable obstacles: so fluctuating and contradictory were her latter orders respecting Ireland, that all the art and power of Cecil could not render them practicable to the lord deputy. He had, however, hazarded the bold determination, of acting up to reason, and upon his own authority, had sent articles for a pacification to Tyrone. In the height of his perplexity he received a private communication of the queen's death, of which he most prudently availed himself by instantly closing the treaty. The almost immediate knowledge of this event threw the humiliated dynast into despair and rage, from the sense of a precipitate submission, when perseverance for one short hour would have preserved his honour, maintained his reputation with his countrymen, and afforded a favourable opportunity of renewing the war, or concluding it upon more honourable terms with the new monarch. But the die was cast: and the once great and formidable Tyrone, now deserted by his followers, in the piteous state of fallen greatness, cast himself on his knees before the deputy, acknowledged his guilt, implored mercy, and renounced for ever the name of O'Neale, with all his former pretensions to independence, authority and sovereignty, entreating to be admitted, through the bounty of his sovereign, to some part of his inheritance for an honourable subsistence. The deputy pardoned him and his followers, and (with some exceptions) promised him the restoration of his lands and dignity. On these conditions the pacification was

ratified. Thus closed a rebellion evidently brought on, stimulated, and continued by the noxious policy of England's treating the Irish as a divided, separate, and enslaved people. But it was a melancholy solace, that the reduction of Ireland to this reluctant state of submission, through the gloomy tracts of blood, famine, and pestilence, cost the crown of England no less than 1,198,717*l.*; a sum, in those days, enormous. By union alone can a repetition of such scenes be effectually prevented.

In a war of such embittered acrimony as that which was carried on between Elizabeth and the Irish nation, backed and supported by no inconsiderable force from Spain, and often aided by the court of Rome, it was to be expected that religious prejudice and enthusiasm should be often resorted to, in order to enflame the minds in favour of their own, and detestation of the adverse cause. Thus every species of religious influence, by which the leaders (who were perhaps indifferent to all religion\*) imagined they could enflame and stimulate their followers, was eagerly resorted to; not as the ground of the contention, but as means of ensuring success in the uncertainty of the contest.... This was not a war of Protestants against Catholics, for the royal army was filled with Irish, and they were mostly Catholics. Dr. Leland† bears this honourable testimony to the religion of the Irish nation at that time, that "they saw numbers of "the Romish communion‡ act with firmness and vigour in

\* Thus Essex, in a conference with Tyrone, who was pleading a zeal for his ancient faith and the true religion, coarsely replied, that his horse had as much religion as Tyrone. *Morys.* 1 *L.* p. 168. Tyrone was very accomplished, and spoke four modern languages with the fluency of a native.

† 2 *Lel.* p. 412. (*Sull.* p. 117, et alibi.) Dr. Leland also says (p. 306), "Candour obliges us to acknowledge, that the Romish clergy at this period "did not uniformly concur in exciting the Irish to insurrections. Sullivan "himself confesses (although it was his business to represent the religious "zeal of his countrymen in the most advantageous point of view) that a considerable party among this clergy, recommended a dutiful submission to government, and opposed the practices of their more intemperate brethren."

‡ No one can have fairly attended to the workings of human nature upon a multitude embarked in a desperate cause, who will not admit, that in proportion to the eagerness with which the cause is adopted, so are all means of aid, countenance, and support resorted to. O'Nial, at the beginning of his insurrection, had entered into the war under a full conviction and repeated assurances of receiving succours from the Pope, and the King of Spain; and he continued constantly to importune both these powers for assistance. He particularly urged the Roman pontiff to countenance his cause, and by some public act to settle the minds of the Catholics of Ireland upon the unlawfulness of submitting to Elizabeth, who still remained subject to the excommunication pronounced against her by Pius V. Tyrone entreated his holiness to send over a nuncio to Ireland, whose presence might confirm the wavering, overawe the timid, and impose upon all. Clement the VIIIth, however, was more sparing of his treasure and subjects, than of his words. He accordingly wrote a public *breve* from Rome on the 6th of April, 1600, addressed to the whole Irish nation; a copy of which is to be seen in the Appendix, No. XII. Imprudent as such interference ever must be from the person who ought to be the arch-



“ support of that government to which they had sworn allegiance ; they saw numbers of their ecclesiastics inculcating the doctrines of civil obedience and submission, and they were virulent in condemning, and industrious in counteracting such doctrines.”

† As Elizabeth did not live to see the reduction of Ireland completed, her successor must be considered as the first English monarch who possessed the complete dominion of Ireland. For under him for the first time was the spirit of resistance to the English power broken down, and the English laws universally acknowledged.

minister of peace and harmony, still must it be recollected, that on this occasion the most earnest importunities were employed to bring forward the supreme pontiff to this interference.

† Vide Lord Clare's speech, p. 10.

Ere we enter upon another reign, it will be but candour to enable the impartial reader to see more fully the grounds and reasons why the Irish rose against Elizabeth, and so obstinately persisted in their rebellion. Many of these are collected together in a very strong and sensible Memorial submitted to the queen, by Captain Thomas Lee, a good officer and staunch Protestant, in the year 1594. Several of the facts he was eye witness to; others he vouches for the truth of. This is preserved in manuscript in Trinity College, Dublin; some few extracts of which are to be seen in Appendix, No. XII. The whole is very long.

## CHAPTER III.

## THE REIGN OF JAMES THE FIRST.

THE accession of the house of Stuart to the throne of England, and consequently to that of Ireland, forms a very notable æra in the modern history of that country. The conduct of the Irish to this family, and their treatment of them in return, furnishes a most melancholy illustration of that detestable policy of the Stuarts, which basely lavished that favour upon their enemy, which was the rightful perquisite of their faithful friend. True it is, that King James was the first monarch that extended the legislative as well as the juridical power beyond the pale. It was the interest of the crown to have the whole kingdom in effective subjection to the law of England; it was the interest of the kingdom to be no longer subjected to several chieftains, who were incessantly at war with each other, or with the crown of England. Ireland was so reduced by the sword, famine and desolation, that she abandoned all thoughts of that liberty and independence, which was only to be purchased by a continuance of such calamities. England revolted at the idea of retaining the sovereignty of a kingdom by so profuse a drain of blood and treasure, which her resources were inadequate any longer to supply.\* James's first care therefore was to ingratiate himself with the Irish. Tyrone and Roderick O'Donnel, who in the late commotions had been very active against the government, accompanied Mountjoy to the court of King James, where they were most graciously received: the former was confirmed in all his lands and honours, the latter was created Earl of Tyrconnel. It is evident that James, on his first accession to the throne, not only permitted, but encouraged reports to be circulated that he should be favourable to the Catholic cause. These reports were naturally magnified by the impetuosity and enthusiasm of

\* Morrison (p. 197) says, that the queen's charge for Ireland, from the 1st of April, 1600, to the 29th of March, 1602, was 283,673*l.* 19*s.* 4 1-2*d.* And Robertson, in his History of Scotland, tells us, that "it was part of James's policy, in order to pave the way to his succession, to waste the vigour of the state of England, by some insensible, yet powerful means: he had his agents in Ireland, fomenting Tyrone's war (the Scots daily carrying munition to the rebels) in Ulster; so that the Queen was driven almost to an incredible expence in carrying it on, and her enemies still encouraged by James's secret assistance and promises." Of this, Elizabeth complained to James in a letter, in 1599, remonstrating with him upon the impolicy of abetting what she termed the dangerous party, and failing his own (*Saund. King James.*) No one therefore could be more alive to the dangers of the Irish persisting in rebellion than King James.

the Irish; and it was currently believed by a large portion of the nation, that the king himself was of that persuasion.\* Mr. Osburne, indeed, says, "it is certain, that the promise King James made to the Roman Catholics, was registered, and amounted so high at least as a toleration of their religion." In the warmth of these hopes and expectations, they no longer considered it necessary to confine their religious worship to privacy: in many parts of Leinster, and more particularly of Munster, they openly performed the divine service and other religious ceremonies, in the full external form of the Roman ritual. † "Disdaining to confine their devotions any longer to privacy and retirement, they ejected the reformed ministers from their churches; they seized those religious houses which had been converted to civil uses; they erected their crosses: they celebrated their masses, pompously and publicly, and their ecclesiastics were seen marching in procession, clothed in the habits of their respective orders." When the lord deputy remonstrated with them upon this daring violation and defiance of the law, we are informed by the same author, that they coolly and determinedly answered, "that they only now exercised publicly, that which before they had been suffered to exercise privately; and as their public prayers gave testimony of their faithful hearts to the king, so they were tied to be no less careful to manifest their duties to God, in which they never would be dissembling temporizers."

Mountjoy marched an armed force into Munster, in order to check this open defiance of the law. At Waterford he found the town gates shut against him: the citizens pleaded, that by a charter of King John they were exempted from quartering soldiers: but Mountjoy instantly replied, that with the sword of King James he would cut to pieces the charter of King John; level their city with the ground, and strew salt upon its ruins. The menace was effectual: Mountjoy entered: the citizens were terrified into submission. From this conduct of the deputy, the other cities of Munster, which had declared for the

\* It is reported of James, that he sent a letter, under his own hand and seal, to Pope Clement the VIIIth, assuring his holiness that it was his majesty's intention to become a Roman Catholic whenever he should ascend the English throne. In fact, James objected not to any tenets of the Roman Catholic faith; but only to the abusive encroachments of the spiritual over the civil power: for he said, in his premonition (James's Works, ed. 1616, p. 306.) "For myself (if that were yet the question) I would with all my heart give my consent, that the Bishop of Rome should have the first seate. I being a western King would goe with the patriarch of the West. And for his temporall principalitie over the signory of Rome, I doe not quarrell it neither: let him in God his name be *primus episcoporum inter omnes episcopos et princeps episcoporum*: so it be no otherwise, but as Peter was, *princeps apostolorum*."

† 2 Lel. p. 413, after Moryson, 2 vol. p. 333.



free and public exercise of the Roman Catholic religion were intimidated to a like compliance with the laws.\* The English historians charge several of these cities with refusing to proclaim King James, as an heretical prince; alleging that their consciences would not permit them to submit to a prince, who impugned the Catholic faith. The Irish historians attribute the delay of some days in proclaiming the new monarch to the extraordinary preparations for doing it with unusual splendour, under the flattering delusion of his professing their own religion.

Although by the suppression of the late rebellion the minds of the people were broken and prepared for obedience, yet it was conceived that the peace of the nation could not be firmly settled, till their minds were quieted, and their persons and property secured from the effects of the law, which most of them had incurred in some way or other during the general confusion. For this purpose, an act of state, called *An Act of Oblivion and Indemnity*, was published by proclamation under the great seal, by which all offences against the crown, and all particular trespasses between subject and subject, were, to all such as would come in to the justices of assize by a certain day and claim the benefit of that act, pardoned, remitted, and utterly extinguished,

\* It would not be candid to charge these men with so many open and deliberate acts of treason, for thus publicly exercising their religion. We have before observed, that the acts of Elizabeth, as well as the other acts of the pale parliament, were not obeyed twenty miles from Dublin: and even within the pale, the penal laws of Elizabeth had not been executed for the last forty years. All the Irish annalists affirm, that the Statute of Uniformity (2 Eliz.) was surreptitiously obtained by the art of Stanyhurst, the then speaker; who, at an unusual hour and on an unexpected day, procured the bill to be passed by the friends to reform, in the absence of those who were expected to have opposed it. They soon after protested against the act of this smuggled convention: and the Lord Lieutenant assured them, with oaths and protestations, that the penalties of that act should never be inflicted, which they believing, suffered it to remain without any further opposition. In support of the probability of this circumstance, was the subsequent fact, that this law was seldom, if ever executed, during the remainder of Queen Elizabeth's reign, viz. for more than forty years; that is, until all or most of those members were, probably, dead, to whom the promise had been given. (*Vide Analect. Sacr. p. 431.*) Other causes may, with great plausibility, be assigned for the non-execution of the penal laws, during the reign of Elizabeth, in Ireland; whilst hundreds were put to death, and thousands suffered in their persons and fortunes under similar laws in England. Those within the pale were equally tenacious of their ancient faith, as those without it. The queen's army was full of native Irish, all or most of whom then were Catholic. And *Moryson* (p. 120) asserts, that one half of that gallant army under Lord Mountjoy, which so successfully attacked, and at last entirely defeated Tyrone, was Irish: nor did their having less pay than the English, or their being exposed to endure the brunt of every action, lessen their zeal or activity in the service. The long period of warfare during Elizabeth's reign, and the fear of weakening her army by estranging the affections of the Catholics, who were actually engaged in her service, must have disposed Elizabeth to discountenance and check, as far as she could, the execution of that severe code of penal laws against the Catholics.

never to be revived or called in question. And by the same proclamation, all the Irishry who had hitherto received no defence or protection from the crown, having been entirely subjected to their respective chieftains, were admitted into his majesty's immediate protection. "This," says Sir John Davies,\* "bred such comfort and security in the hearts of all men, as thereupon ensued the calmest and most universal peace that ever was seen in Ireland." So true has it at all times been, that mildness and liberality towards the Irish have ever been requited with their submissiveness, fidelity, and attachment.† King James, in order more effectually to secure the full dominion both of the Irish and their property, published a proclamation, which is usually called the Commission of Grace, for securing the Subjects of Ireland against all claims of the Crown. The chief governor was thereby empowered to accept the surrenders of those Irish lords, who still held their estates or possessions by the old tenures of *Tanestry* and *Gavelkind*, and to regrant them in fee simple according to the English law: thus converting the estates for life of the chieftains into estates in fee simple. For this there were two obvious reasons of state policy: the first was, that in case of a forfeiture the whole would become vested in the crown by the attainder of the forfeiting person; whereas if by the old tenure of *Tanestry* they remained tenants for life, the estates could only in such cases be forfeited to the crown for the life of the forfeiting person, and would be saved to all remainder men, which by the old Brehon tenure were in fact the whole sept. The second reason was, that by

\* Disc. p. 262.

† In answer to many severe and unjust reflections formerly and recently made upon the lawless ferocity and intractability of the Irish, I shall cite the authority of Sir John Davis, who certainly had the fairest opportunity of knowing them, and cannot be suspected of partiality, as holding a high official situation under a monarch little disposed to favour them from inclination. (Disc. p. 267.) "Again these circuits of justice did (upon the ende of the warre) more terrifie the loose and idle personnes then the execution of the martial law, though it were more quick and suddaine: and in a short time after did so cleere the kingdome of theeves and other capitall offenders, as I dare asirme, that for the space of five years last past, there have not bin founde so manie malefactors worthy of death in all the six circuits of this realme (which is now divided into thirty-two shires at large), as in one circuit of six shires, namely the western circuit in England. For the troth is, that in time of peace the Irish are more fearful to offend the law, then the English or any other nation whatsoever." (And p. 283.) "In which condition of subjectes, they will gladly continue without defection or adhering to any other lord or king, as long as they may be *protected and justly governed without oppression* on the one side, or *impunity* on the other. For there is no nation of people under the sunne, that doth love equal and indifferent justice better than the Irish: or will rest better satisfied with the execution thereof, though it be against themselves; so as they may have the benefit and protection of the law, when upon just causes they do desire it."

vesting the fee simple in the chief, which by the course of the English law made it descendible to his eldest son or heir at law, it excluded the sept from their reversionary distributive rights of Gavelkind upon the death of the tenant for life, and thus detached the septs from that common bond of interest and union with their chief, which gave them firmness, consistency, and consequence, and necessarily threw them thus disjointed more immediately under the power of the sovereign, by leaving one only freeholder or tenant to the crown in each sept. The new grants to the lords were limited to the lands in their actual possession. And these lands, which any of his followers held on any precarious Irish tenures of the chief, were confirmed to the mesne tenant also in fee, upon paying to the lord a certain annual rent equivalent to the lord's beneficial interest in the services or tenure of his tenant. Thus was the whole landed interest of Ireland new modelled; and the example of these new patentees of the crown was followed by many trading towns and corporations throughout the kingdom: they surrendered their old, and accepted new charters from the crown, with such regulations and privileges as were more congenial with the policy and views of the court.

“It was not without some reason,” says Leland,\* “that the numerous body of Catholics in Ireland presumed on the favour of the new king, and his partiality to their communion. They had frequent opportunities by those emissaries of Rome, who were continually pouring into their country, to be informed of his transactions with the pontiff, while king of Scots, and of the expectations conceived of his conversion. The sentiments which he expressed with respect to popery to his first parliament, were but a repetition of those opinions which he had avowed on other occasions; and every expression of tenderness to what he called the mother church, and every rumour of his secret intentions were industriously propagated and magnified to a credulous people, removed at a great distance from authentic information.” James now felt himself firmly seated on the throne of Ireland. In his religious principles he was neither a Protestant nor a Catholic: he disliked and dreaded the Puritans. He always cherished a filial reverence and affection for his mother; and retained an indelible sense of, though he wanted firmness to avenge the injuries and indignities she had suffered. Inflated with conceit and

\* 2 Leland, p. 420.

Geoghegan in his history (p. 422) says, that it is notorious, that notwithstanding the severity of the laws made in Ireland against the Roman Catholic religion during the reigns of Henry VIII. Edward VI. Elizabeth, and James I. not sixty of the Irish embraced the Protestant religion, though Ireland then contained more than two millions of souls.



vanity, this weak prince had blindly mounted himself upon the baseless pinnacle of overstretched prerogative, and whilst he indulged in this visionary security, he permitted himself to be carried down with every stream of flattery, fear, or menace, as they successively flowed in upon him. As a Stuart he was ever ready to sacrifice his friend to the fear of his enemy. At this time the Puritan party had acquired, both in the church and state\* of Ireland, an eminent ascendancy; and from this moment they were preparing to get up that eventful tragedy, which closed in the catastrophe of the throne, altars, and constitution of the British empire. Their first act was to express their indignation at the relaxations, favour, and countenance shewn to the Catholics. The immediate effect of which was a formal publication or promulgation of the Statute of Conformity (2 Eliz.) exemplified under the great seal, under pretence that the printed copies of the act varied from the record, but in fact to give sanction and publicity to an act, which was now intended to be rigorously executed, though it had for forty years been almost a dead letter. The King's Proclamation for the strict observance of it was annexed to the Exemplification, and solemnly published throughout the nation.† This measure was peculiarly calculated to wound the Irish nation; and they were still more sorely aggrieved by the insulting humiliation of certain commissions issued in consequence of the proclamation, by which the Catholics of condition were appointed inquisitors to watch

\* Lord Deputy Chichester, who was afterwards created Baron Belfast, had been the pupil of the famous Cartwright, who was so violent an opposer of the church establishment, that in writing to Archbishop Whitgift he used these strong expressions: "Certain of the things we (the Dissenters) stand upon are such, that if every hair of our heads were a life, we ought to afford them for the defence of them." And Sir George Paul, in the life of this archbishop (p. 47), gives us, by way of sample, a part of the constant public prayer of this Cartwright before his sermons: "Because they (meaning the Bishops), which ought to be pillars of the church, do band themselves against Christ and his truth, therefore, O Lord, give us grace and power as one man to set ourselves against them." At this time the whole body of the reformed clergy in Ireland was Puritan; the most eminent of whom for learning was Usher, then provost of Trinity College, Dublin, and afterwards archbishop of Armagh, who by his management and contrivance procured the whole doctrine of Calvin to be received as the public belief of the Church of Ireland, and ratified by Chichester in the king's name. Not only the famous Lambeth articles concerning predestination, grace, and justifying faith, sent down as a standard of doctrine to Cambridge, but immediately suppressed by Queen Elizabeth, and afterwards disapproved and rejected by King James, when proposed to him by Dr. Reynolds in the conference of Hampton Court, but also several particular fancies and notions of his own were incorporated, says Carte (Orm. 1 vol. p. 73), into the articles of the Church of Ireland, and by his credit approved of in convocation, and afterwards confirmed by the Lord Deputy Chichester.

† The language of this proclamation strongly proves the grounds which the Catholics had for rejoicing at the accession of James I. from whom they expected protection, countenance and favour. It bears date the 4th of July, 1605.

and inform against those of their own communion, who did not frequent the Protestant churches; by neglect of which, they were subjected to fine and imprisonment.\* Leland observes, that this measure *instead of terrifying the delinquents enraged them*. The magistrates and chief citizens of Dublin were first called upon to renounce their religion. † “Eighteen of the “most eminent of the city were summoned to the court of Castle Chamber, of whom nine of the chief were censured, and “six of the aldermen fined each 100*l.*; and the other three 50*l.* “apiece; they were all committed prisoners to the castle during “the pleasure of the court, and it was ordered, that none of the “citizens should bear office till they conformed. The week “following the rest were censured in the same manner, except “Alderman Archer, who conformed. Their fines were allotted “to the repairs of such churches as had been damaged by the “accidental blowing up of the magazine of gunpowder in 1596, “to the relieving poor scholars, and to other charitable uses.” On this occasion all the old families of the pale took the alarm, and boldly remonstrated against the severity of these proceedings: they denied the legality of the sentence by which these severities were inflicted, and urged that even by the statute of Elizabeth the crime of recusancy had its punishment ascertained, and that any extension of the penalty beyond the letter of the statute, was illegal and unconstitutional. Their remonstrance was presented to the council by an unusual concourse of those who were interested in the event. The chief of the petitioners were instantly committed to gaol; and Sir Patrick Barnewall, their great agent, was, by the king’s command, soon after sent over to England in custody, and there committed to the Tower of London.

These proceedings naturally produced general rancour and distrust: but the views of those who had instituted them, would have been disappointed, unless some advantages could be reaped from them. In proportion to the probability of some of the nobility’s resenting this harsh and unexpected treatment, were rumours of insurrections and conspiracies set afloat, eagerly taken

“Whereas his Majesty was informed, that his subjects of Ireland had been “deceived by a false report, that his Majesty was disposed to allow them liberty of conscience and the free choice of a religion contrary to that which “he had always professed himself; by which means it has happened, that “many of his subjects of that kingdom had firmly resolved to remain constantly in that religion. Wherefore he declared to all his subjects of Ireland, “that he would not admit any such liberty of conscience as they were made “to expect by that report.” He then proceeds to enjoin all and each of his subjects, for the time to come, to frequent their respective churches and chapels, and to comply minutely with all the requisitions of the Act of Uniformity, &c. &c.

\* Anal. Sacr. p. 25.

† Harris’s History of Dublin, p. 323.

up, and industriously magnified. When Chichester had, by his intemperate severity, mounted up one party to the highest pitch of provocation, and worked up the other to an excess of credulity and alarm, an anonymous letter was dropped in the privy council chamber, intimating a traiterous scheme of rebellion, formed by the Earls of Tyrone and Tyrconnel, and other lords and gentlemen of the North, for seizing the Castle of Dublin, murdering the deputy, and raising a general revolt, with the aid of Spain: and all this in defence of the Catholic religion.\* Certain it is, that Tyrone and Tyrconnel fled the country, and were, together with some other fugitives of inferior note, attainted of high treason. The consequence was, the forfeiture of all their vast estates to the crown.† These estates, which besides some other that had been also forfeited to the crown by Sir Cahir O'Dogherty and several of his adherents, who afterwards actually were for about five months in rebellion, comprised almost the whole six northern counties of Cavan, Fermanagh, Armagh, Derry, Tyrone, and Tyrconnel (now called Donegal.) From that period King James entered upon his favourite scheme of forming a plantation for the avowed purpose

\* At this distant period of time, the contradictory accounts of this insurrection by cotemporary authors, together with a total failure of any proof of overt acts, leave little room to doubt about its actual existence. Jones, bishop of Meath, who had formerly been scout-master-general to Cromwell's army, has given this account of the anonymous letter, which Carleton, bishop of Chichester, wholly omits, and he says he had his account from a report of the bishop of Derry. The pretended letter is to be seen in the Appendix, No. XIII.

† Some historians attribute the flight of these noblemen to a consciousness of guilt, others to their persuasion that St. Lawrence would follow them up to conviction by the same treachery and perjury with which he had brought on their accusation. Dr. Anderson, in his *Royal Genealogies*, p. 786, dedicated to the Prince of Wales in 1736, says, "Artful Cecil employed one St. Lawrence to entrap the Earls of Tyrone and Tyrconnel, the Lord Delvin, and other Irish chiefs into a sham plot, which had no evidence but his. But those chiefs being basely informed, that witnesses were to be hired against them, foolishly fled from Dublin, and so taking guilt upon them, they were declared rebels, and six entire counties in Ulster were at once forfeited to the crown, *which was what their enemies wanted.*" That this St. Lawrence was a fit instrument for such a design is clear, from what Camden relates of him (Eliz. 741) viz. that he offered to murder Lord Grey de Wilton and Sir Thomas Gerald, to prevent their conveying reports of Essex to the queen; which bloody service Lord Essex rejected with indignation. No history, whatever, mentions any symptoms of rising in the North at this time. And the king immediately after published an overcautionary forced proclamation (quod vide in Appendix, No. XIV.) by which he pledged himself, thereafter to make it appear to the world as clear as the sun by evident proof, that the only ground of these earls' departure was their own knowledge and terror of guilt. These proofs have never yet been produced. And the act of parliament (11, 12, and 13 Jac. c. iv.) by which the attainders were confirmed, makes no reference to them; but barely recites, that they with several others, were attainted, as by sundrie inquisitions remaining of record may appear. This affected brevity was little congenial with the spirit and style of the pedantic James; and widely dissimilar from Elizabeth's act of attainder of O'Nial.



of excluding the old inhabitants, and introducing the new religion.\* The lands were accordingly parcelled out amongst the adventurers, who flocked thither from England and Scotland. The latter were the more numerous, and brought with them the principles and discipline of Presbyterianism. This new settlement or colony was put under particular regulations, all calculated to support and strengthen the Protestant religion. The most opulent adventurers in this speculation were the citizens of London:† they obtained a large tract of land on the lower part of the river Ban in the vicinity of Derry, which town they rebuilt and called *Londonderry*. Whatever advantages may have been reaped by the new settlers from this system of colonising an entire country, it is evident, that it must have produced the most desperate and mischievous effects upon the Irish. The forcible dispossession of a whole province could not fail to spread discontent, alarm and disaffection amongst those who were, or at least considered themselves liable to be treated in like manner. The fugitive earls were generally reputed to be

\* Although the rebellion of Sir Cahir O'Dogherty were confined to the district of Innishowen and its environs, yet did James ever affect to consider the whole Irish nation as rebels or rebelliously disposed, as appears by his reference, to the system of his northern plantation in a speech to the parliament, at Whitehall, in 1609: "As for Ireland, ye all well know how uncertain my charges are ever there, that people being so easily stirred, partly through the barbarity and want of civilitie, and partly through their corruption in religion, to break forth in rebellions. And I dare never suffer the same (i. e. the army) to be diminished, till this plantation take effect, which (no doubt) is the greatest moate that ever came in the rebels eyes: and it is to be looked for, if ever they will be able to make anie stirre, they will presse at by all meanes for the preventing and discouraging this plantation."

† Upon a very loose survey, these forfeited lands were computed to comprise 511456 Irish acres, which were disposed of as follows:

	<i>Acres.</i>
To the Londoners and other Undertakers - - - - -	209800
The Bishops Mensall Lands - - - - -	003413
The Bishops Termon and Erenacks - - - - -	072780
The College of Dublin - - - - -	005600
For Free Schools - - - - -	002700
To Incumbents for Glebe - - - - -	018000
The old Glebes - - - - -	001208
To Deans and Prebends - - - - -	001473
To Servitors and Natives - - - - -	116330
The Impropriations and Abbey Lands - - - - -	021552
The old Patentees and Forts - - - - -	038214
To New Corporations - - - - -	008887
Restored to M'Guire - - - - -	005980
Restored to several Irish - - - - -	001458

I have copied this account from Sir Richard Cox, to give some idea of the small share of the lands secured or regranted to the former possessors or even occupiers; and he particularly says, that in the book which was printed for the better direction of the settlers, it was specially mentioned, *that they should not suffer any labourer, that would not take the oath of supremacy, to dwell upon their land.*

the victims of a sham plot, against which there was no security, and of which there had hitherto appeared no proof. The profuse grant of the whole territory of *Innishowen*, together with all the other lands of Sir Cahir O'Dogherty, to Sir Arthur Chichester the great adviser and promoter of this plantation; the facility with which foreign grantees and their sub-grantees acquired, and the imperious oppression with which they managed their new possessions, with reference to the former inheritors and their tenants and occupiers of the soil, must, in the necessary course of nature, have more than estranged the affections of the greater part of the Irish nation from the sovereign, who commanded his servants that advised, planned and executed, and the individuals that enjoyed this new plantation.

If ever the Union of Great Britain with Ireland can be fairly viewed, it is when set off in contrast against the conduct of the English government immediately after the uniting of the three crowns in one monarch. Instead of opening her arms to embrace and admit Ireland to an equal participation of all her own rights and privileges, she dispeoples one fourth of the kingdom, and doles out a large extent of the most ancient inheritances in Europe (or the universe), to strangers, adventurers, and oppressors. Sir John Davies, from the flattering spirit of the day, and the then supposed duties of his official situation, rather complimented his sovereign upon what he wished, than what had been accomplished; for referring to the conduct of James at this period of his reign, he says, \* “ This bred such comfort “ and security in the hearts of all men, as thereupon ensued the “ calmest and most universal peace that ever was seen in Ire- “ land.” † Leland, however, upon the authority of Carte and Chichester's own letters, gives a widely different view of the internal state and spirit of the Irish at this period.

In the confusion of former times some lands possessed by traitors and state delinquents had been concealed and detained from the crown. Adventurers were encouraged by the numerous donations of estates, and the ease with which affluent fortunes were obtained in Ireland: they ransacked old records, they detected such concealments, and were countenanced by the state; they dispossessed the old inhabitants, or obliged them to compound for their intrusion; they were vested with

\* There is no question but that Sir John Davis has written with more truth and impartiality than any of his cotemporary authors. Some degree of partiality must, however, be allowed on matters in which he was probably consulted: as must have been the case of this plantation. Sir Francis Bacon was also advised with; but his advice was not followed. It is observable, how artfully Sir John Davis, through his historical relations, avoids any mention of religion; well knowing how sore the Irish were upon the subject, and what violent effects it produced in the convulsed politics of that kingdom.

† 2 Lel. p. 439. Carte Orm. Chich. said letters, mst. Trin. Col. Dub.

portions of their lands, or otherwise rewarded. This was a source of many grievous abuses (as was afterwards experienced), but as yet the penal laws enacted against recusants was the principal subject of complaint. Whenever temporal and political consequence and advantage are annexed to the profession of any particular religious system, it is scarcely possible, that a difference in religion should not lead to personal diffidence, rancour, or envy. Much more so, when in a community the majority is on that account subjected to humiliation, penalties, and pains. The religious parties ran so high at this time in Ireland, that Leland truly said, \* “The reformed looked with abhorrence on the partisans of idolatry, and the imps of Anti-christ; the Romanists with equal rancour inveighed against heresy and apostacy, the blind ministers of Satan and children of perdition.”

To consider James, says Hume,† in a more advantageous light, we must take a view of him as the legislator of Ireland. He frequently boasts of the management of Ireland as his master-piece: and it will appear, adds this author, upon enquiry, that his vanity in this particular was not altogether without foundation. The political situation of Ireland at this juncture has ever been represented by our historians in a light so different from what it has been generally viewed by the Irish, that it will be proper to submit to the reader the general leading facts, with as few observations upon them as are consistent with the task I have undertaken.

Twenty-seven years had elapsed since the last parliament, when James deemed it necessary to convene one. The grounds of this necessity, according to Leland, “were to support the arrangement (the plantation of Ulster) lately made, to remove real grievances, to repress causeless discontents, and to secure the administration against all attempts of turbulence and disaffection.” The progress of the reformation in Ireland under James, although much more considerable than under Elizabeth, did not yet answer the views or wishes of government. The Lord Deputy Chichester had successfully convinced the king of the necessity of establishing a *Protestant ascendancy* in parliament,‡ and pledged himself that, with a plenitude

\* 2 Lel. p. 441.

† Historical reign of that Monarch.

‡ Leland informs us (though without quoting any authority), that “the king had denounced a curse on himself and his posterity, if ever he should grant a toleration to the Romanists: and had, on particular occasions, instructed the Irish administration to administer the oaths, and execute the penal laws.” 2 vol. p. 452. And we read (in *Anal. Sacr.*), that when Chichester had made a present of a fine horse to his royal master, the king asked if it were of Irish breed, and being answered in the affirmative, his majesty swore aloud, that then certainly it must be a Papist; for that he believed all things



of power to make the previous arrangements, he would, in defiance of numbers, property, and influence in the country, secure a Protestant majority in both houses.

From the circumstances of the times, Protestants and Catholics were arrayed against each other, according to what in modern parliamentary language would be termed the *court and country party*. It was impossible, that the measures of government tending to secure such parliamentary influence against the decided preponderancy and natural interest of the country party, could be kept secret from the nation at large. No sooner, therefore, was the royal intention of convening a parliament publicly made known, than the Catholics took the alarm, that it was the design of government to force upon them some additional grievances, especially as they had not vouchsafed, according to Poyning's law, to make any previous communication of the design of summoning the parliament, or of the laws intended to be enacted therein. Accordingly six of the principal lords of the pale addressed a letter to the king, strongly expressive of their apprehensions, and plainly pointing out to him the consequences which this rigorous system of government towards the nation at large, on account of their adhesion to their ancient faith would inevitably produce.\* The style of this letter was too free and independent for James's inflated notions of the royal prerogative.† He pronounced it to be a rash and insolent interference with his authority. The lord deputy continued to encrease the number of the new boroughs, for which court candidates were of course returned, until he had secured a majority of that party. Forty new boroughs were thus created, of which several were not incorporated, until the writs for summoning a parliament had already issued. Violent altercations attended the meeting of this parliament, not only upon the election of Sir John Davis for the speaker of the House of Commons, in opposition to Sir John Everard ("a recusant," says Leland, "of respectable character, who had been a justice of the King's Bench, and on resigning this station, rather than take the oaths, was indulged with a pension,") but also on account of the illegality of many of the returns of the court members, which the country party vehemently protested against.

produced in Ireland, even the very animals, were Papists. And Chichester himself (*An. Sacr.*) in a moment of irritation at failing in withdrawing some persons of consequence from their religion, exclaimed, that he believed the very air and soil of Ireland were infected with Popery.

\* See the letter from a copy of the Lambeth manuscript. Appendix, No. XV.

† In his speech to parliament, 1609, he told them, "I would wish you to be careful to avoide three things in the matter of greevance. 1st, That you doe not meddle with the maine points of governement, that is my craft, *trac-tent fabrilla fabri*; to meddle with that were to lesson me." *James's Works*, fo. cd. p. 537.

Two hundred and thirty-two members had been returned: six were absent: of the remainder, one hundred and twenty-five were Protestants; and one hundred and one formed the recusant party. The upper house consisted of sixteen temporal barons, twenty-five Protestant prelates, five viscounts, and four earls, of which a considerable number, says Leland, were friends to the administration.\*

The Catholic party were so disgusted and provoked at the majority thus secured against them, that for a considerable time they seceded from parliament; and were only induced to resume their seats by the assurances of the lord deputy, that no other bill should for the present be propounded, than that for recognising the king's title. This having been done, the parliament was prorogued, to give time for the violence of passion on both sides to abate. In the mean while, the Catholic party with full confidence dispatched their agents to lay their grievances at the feet of their sovereign. The deputy also sent his agents to

\* The majority of Protestant members returned to this parliament is very surprising, considering how very few of the Irish had then given in to the Reformation. Gheoghegan asserts, that there were not sixty down to the reign of James I. Lord Clare, in his speech in the Irish House of Lords, on his own motion for the Union (p. 13), has remarked, "that from the first introduction of this Protestant colony by James I. the old distinctions of native Irish and degenerate English, and English of blood, and English by birth, were lost and forgotten: all rallied around the banner of the Popish faith, and looked upon the new Protestant settlers as the common aggressor and enemy: and it is a melancholy truth, that from that day all have clung to the Popish religion as a common bond of union, and an hereditary pledge of animosity to British settlers and the British nation. What alternative then remained to the king for retaining this country under the dominion of his crown? In the modern revolutionary phrase, the physical consequence of the country was arrayed against the English colony and the English government. He was, therefore, driven to the necessity of treating the old inhabitants as a conquered people, and governing their country as an English province; or of fortifying his Protestant colony by investing them, exclusively, with the artificial power of a separate government; which, on every principle of self-interest and self-preservation, they were bound to administer in concert with England. The executive departments were under the immediate control of the ordinary royal prerogative; but it was in vain to hope that he could retain possession of Ireland under a separate government, unless a majority of the Irish parliament stood well-affected to the English crown and English nation: and to obtain that majority he resorted to the exercise of a prerogative which has always belonged to the English crown....by erecting new counties, and incorporating some of the principal towns occupied by the new settlers, giving them the franchise of sending representatives to the Irish parliament. And I repeat, without incurring the hazard of contradiction, that Ireland never had any assembly which could be called a parliament, until the reign of James I." If an earnest of prospective happiness be to be expected from the union of the two kingdoms, nothing can so adequately depict it, as the contrast of the conduct of king James I. against that of our present most gracious sovereign. On one hand we behold a vain imperious monarch contemning, deriding, persecuting, oppressing, and exterminating his Irish subjects: on the other, we see the father of his people cherishing, endearing, relaxing the severity of the penal code, encouraging, embracing, and uniting with them in every blessing and advantage that the British constitution can impart.

counteract the efforts of the Catholics.\* Two of the Catholic agents were, immediately on their arrival, committed prisoners; one to the Tower, the other to the Fleet: and James received the petition or remonstrance of the remaining Catholic agents in a most ungracious manner; and in flagrant violation of the rights of the Irish parliament (if that were to be considered independent), referred the final determination of it to the English privy council. The result of this appeal to the sovereign, was a most† disgraceful dismissal of the Catholic agents; a rejection of their demands; the imprisonment of Sir James Gough on his return to Ireland, for boasting of the king's promise to grant redress, and the remuneration of Sir Arthur Chichester by the grant of those princely domains, which his family possesses to this day. Chichester, thus confirmed in the royal favour, found little difficulty in passing every act, as it was proposed, by means of the majority he had by these new means acquired in parliament; though he found it prudent, in the heat of the contending parties, to drop a bill for the total expulsion of the Catholic clergy, and other penal bills against the Catholics, which had been prepared, and were intended to have been brought forward. The passion which James indulged for plantations was an endless source of apprehension and suffering to the Irish. With a view to extend them to other parts of the kingdom, he appointed a Commission of Enquiry, to scrutinize the titles and determine the rights of all the lands in Leinster and the adjoining districts. Such rapid progress did these commissioners of defective titles make in their mission, that in a short time, ‡“ James deemed himself entitled to make a distribution of “ 385000 acres in those countries.” These were apportioned to English settlers and to some few of the natives, under regulations nearly similar to those by which he had settled the colony in Ulster. In executing this scheme, little regard was had to the plainest dictates of justice. Old obsolete claims were received even as far back as the reign of Henry II.; and advan-

\* The Catholic agents were the Lords Gormanstown and Fermoy, Sir James Gough, Hussay, Lutterel, and Talbot. The lord deputies were the Earl of Thomond, Sir John Denham, the chief justice of the King's Bench, and Sir Oliver St. John.

† Such contradictory accounts and representations of James's conduct towards Ireland have been transmitted to us, that I must refer the reader, who wishes to form a candid opinion for himself, to the authentic documents, which are to be found in the Appendix, No. XVI. and XVII. being the remonstrance of divers lords of the pale to the king, concerning the parliament; and the king's speech to the lords of the council before the Irish agents. One cannot pass over this reception and dismission of the Irish agents by James, without reflecting upon the benignity with which the Catholic delegates were received at the court of St. James's, in 1790, and the large indulgences and favours they returned loaded with to their brethren in Ireland.

‡ 2 *Lel.* p. 461.



tage was taken of the most trivial flaws and minute informalities. In Connaught, immense estates were declared forfeited to the crown, because the recent grants made to the proprietors upon their surrenders of them to James, had been neglected to be inrolled by the clerks in chancery, although the new grantees had paid above 3000% into their hands for the inrolments, and these clerks alone could make them. Perjury, fraud, and the most infamous acts of deceit were successfully practised by rapacious adventurers and informers: and Leland,\* who gives an accurate detail of these enormities, refers to authentic "proofs of the most iniquitous practices of hardened cruelty, of vile perjury and scandalous subornation, employed to despoil the fair and unoffending proprietor of his inheritance." Thus was every man's possession precarious and doubtful; and to complete the measure of abuse, the juries who refused to find a title in the crown were censured and fined in the castle chamber.

The remainder of James's reign was an uninterrupted scene of vexatious oppression of the recusants, grievous extortions of the soldiery and their officers† upon the people, the execution of martial law in time of peace, the abusive exactions of the clergy and the ecclesiastical courts, the unconstitutional interference of the privy council and castle chamber in causes which ought to have been determined by common law, the invasion of property in the different plantations, and extreme rigour in executing the penal laws, were the means by which James estranged the affections of his Irish subjects from the English government, reduced them to want and misery, and consequently pre-disposed them to rise against their oppressors, whenever the opportunity should present itself of doing it with effect. A woeeful legacy to his unfortunate successor!

\* 2 Lel. p. 470.

† Who, as Leland observes, were privy counsellors, and men of great property and influence, too powerful to be complained of for any grievance suffered by their soldiers, and too deeply engaged in one common interest to call each other to account. P. 471.

## CHAPTER IV.

## THE REIGN OF CHARLES THE FIRST.

THE reign of Charles the First fills up that period of the Irish history which supereminently abounds with falsity and exaggeration, tending to misrepresent and defame the Irish nation.\* The quick sensibility of the national character was

\* The elementary view which I have undertaken to give of the Irish affairs, as necessary to develop the remote as well as the proximate causes of our union, will admit of no historical detail of the different scenes of that eventful tragedy which disgraced the British empire in the face of the universe. I attempt no more than to point out the different roads, which lead to the truth through a variety of crossings and windings, that often have, and often (I fear) will mislead the traveller through the historical maze of that unfortunate kingdom. Cotemporary, intermediate, and modern authors all seem to vie with each other in protesting against the inaccuracy and infidelity of others, and vouching for their own impartiality, diligence, and veracity. Whatever I shall offer to my reader upon this part of the Irish history shall be drawn from one of three sources, namely, public records, the words of the actors themselves, or the avowal of professed adversaries. Of all English writers upon the civil wars of Ireland, Dr. Warner is entitled to the most credit for impartial accuracy. He had better means and sources than any of his predecessors, and has made a fairer use of them. His judgment upon the most reputable of his predecessors is curious and just; and an excellent warning to the strayed traveller, who wishes to arrive at the temple of truth and concord. (*Pref. to his History of the Rebellion.* “The original Protestant Irish writers of this period are Sir John Temple, and Dr. Borlase; the first who was master of the rolls and a privy counsellor, has confined himself entirely to the massacre and rebellion in the early part of it, and the sense of what he suffered by the insurrection, together with his attachment to the ministry, led him to aggravate the crimes and cruelties of the Irish: the other was the son of Sir John Borlase, one of the lords justices of that time, and seems to have been an officer in the civil wars, who hath made great use of Temple’s History; and, as far as he liked it, of Lord Clarendon’s Vindication of the Marquis of Ormonde. If both these authors are to be read with great suspicion of partiality as they certainly are, except in the copies of original papers, and the facts, which tally with them, Sir Richard Cox, who has done little more than transcribe the accounts which they have given, is entitled to no less merit, and yet open to the same suspicion. When he had no longer these to be his guide, the remainder of his work is little more than an extract from the newspapers and pamphlets of the time, and in no part deserves the name of a history.”—“There are no original English historians that I know of, who write any thing fully of this event in Ireland, besides the Earl of Clarendon and Mr. Carte: the former in his History of the Rebellion and Civil War in England, and in a little piece in the vindication of the Marquis of Ormonde, which in the late editions goes under the title, very improperly, of the History of the Rebellion and Civil War in Ireland. The noble historian’s attachment to the cause of Charles I. hath evidently given a bias to the whole of his great work: and on the most critical part of the king’s conduct with regard to Ireland, his commission to the Earl of Glamorgan, his lordship to our astonishment is entirely silent. Neither doth he enter much into any transaction in that country, wherein the king was not personally concerned. Mr. Carte treats professedly of this whole rebellion, in his Life of the

strongly marked in the excess of their joy at his accession. They looked up with confidence to the young monarch, at least for a toleration of their religion : and at the beginning of his reign they were permitted to practise it with more publicity than they had been in the former. This mildness of government, new to the Irish, was but of short duration. Leland observes, that at this time \* “ their religious worship was once more celebrated with “ public solemnity, and with the full parade of their ostentatious ritual :” and he adds, “ that even in the city of Dublin, “ under the immediate notice of the state, an academical body “ was formed, and governed by an ecclesiastic of some note, for “ the education of Popish youth.” Scarcely, however, had Charles commenced his inauspicious reign, than, fatally for himself and family, he launched into a career of insincerity which precipitated his own ruin, and accumulated evils upon those who were his real friends, and whom he was personally anxious to serve. His Irish Catholic subjects were the first unfortunate victims of this ungenerous, this ill-fated policy of the Stuarts. The Lord Deputy Faulkland is represented, by those who speak the most harshly of the Irish, as a man of more rectitude than ability, indolent and gentle, courting rather than terrifying the obnoxious and prevailing party. The instructions sent him from court were favourable to the Catholics, and he faithfully pursued them. But the Puritans highly resented this conduct,

“ Duke of Ormonde, and is by much the most copious and best writer upon “ it ; but there are so many flagrant instances of his partiality for the king, “ and of his prejudice against the Irish ministers at the breaking out of the Irish “ insurrection, that he is never to be read, where the ill conduct of the first is “ palliated or the other censured, without the utmost caution. In the business of “ Lord Glamorgan particularly he is extremely culpable ; and contrary to the “ evidence that was before him, throws all the blame of that transaction from “ the king upon his lordship. It may be said perhaps with some propriety, “ that *Nelson* and *Rushworth* are original English writers of this event : but “ the historical part of either, which reaches but a little way, is only to throw “ some light on the papers concerning Ireland, of which they give an useful, “ and for the most part a just collection. The first is as partial in his narrative “ on the side of the king, as the other on the side of the parliament : and they “ are both to be consulted with great allowance to their party zeal. As to all “ the writers of English history, who attempt to give any relation of this rebellion, having compiled from some or other of the materials aforementioned, they have copied likewise their mistakes and imperfections : hence “ they are so inaccurate, partial, and uninformed, that whoever contents “ himself with the accounts that he meets with of it in any of our Histories of “ England (*not one excepted*) may be said to know little of it.” This same author, speaking, in the body of his history, of Mr. Hume’s gross infidelity in representing the conduct of Charles I. towards his Irish subjects, says (p. 359), “ To such miserable shifts are able men reduced, when they write to please a “ party, or to support a character without regard to truth ! It is but very little “ that Mr. Hume hath said on this critical part of King Charles’s reign ; but “ unless he could have said something much more to the purpose than he hath “ said, he had better have taken the way Lord Clarendon took, and have said “ nothing at all.”

\* 3 Lel. p. 3.



and loudly complained that the Popish worship was still maintained, and that the new seminary of the recusants in Dublin was not suppressed.\* The Catholics were more than prudently elated with this species of negative indulgence and precarious favour, and, in the overflowing of their gratitude, offered to keep in pay, at their own charge, a constant body of 5000 infantry and 500 horse, for the service of his majesty. Faulkland, according to instructions, gave every encouragement to this seasonable relief to the fiscal difficulties of his sovereign. The Protestants, however, jealous of the power that this would place either in the hands of the Catholics or the crown, availed themselves of the fanatic spirit of the day, and in the genuine cant of Puritanism, rejected the offer as the ungodly price of idolatry and superstition.†

Faulkland, still faithfully attentive to the instructions of his master, encreased the indignation of the Puritan party: they

\* Dr. Warner, in his preface has favoured us with some observations upon the conduct of Charles towards his Irish subjects, well worthy of the most serious reflection of every person who feels an interest in the welfare of the British empire (p. xvii). “It will be difficult perhaps to find in any age, or in any nation, a history which abounds with scenes of more variety and intrigue, or with events that are more interesting, than are to be met with here. But of the work itself, I will say no more than that it is full of such enterprises as will afford an instructive and a much unheeded lesson to mankind. It will instruct *princes* to consult the interest and inclination of their subjects, and not to govern by illegal and despotic power. It will instruct the *ministers* of princes, that their own passions, faction, and ill humour will produce as much mischief to the public peace and security of their master, as the most open villany. It will instruct the *people* not to suffer and assist the folly, the frowardness, the pride and ambition of particular persons to govern the public understanding, and the venom of private interest to be mingled with the public good. These will appear to have been the means which Providence permitted to infatuate a people ripe and prepared for their destruction: and by suffering the weak to contribute to the ill designs of the wicked, and the wicked to be more wicked than they first intended, such a scene of horror and desolation followed as is scarcely to be equalled in any country.”

† Usher, at the head of the prevailing party of the clergy, subscribed a declaration, which is to be seen App. No. XVIII. It was read before the state in Christ Church, Dublin, by Downham, bishop of Derry, upon whom it had so powerful an effect, that the offer was rejected with indignation: and was soon followed up with a proclamation, importing, that “the late intermission of legal proceedings against Popish pretended titular archbishops, bishops, abbots, deans, vicars general, jesuits, friars, and others deriving their pretended authority from the See of Rome, in contempt of his majesty’s royal power and authority, had bred such an extravagant insolence and presumption in them, that he was necessitated to charge and command them in his majesty’s name, to forbear the exercise of their Popish rites and ceremonies.” Thus did the public act of the government contravene the private wishes and instructions of the king, to the sore grievance of one party, the irritation of the other, and the debasement and weakening of the executive power. The proclamation, says Leland (p. 5.) “was published and received without the common respect due to an act of state, nor did the deputy think himself warranted to proceed to any farther severity.”

were loud in their complaints to the English cabinet, and Charles sacrificed a faithful servant to the intrigues of his enemies. Faulkland was recalled, and the administration for the present entrusted to two lords justices, Viscount Ely the chancellor, and the Earl of Cork the lord high treasurer of that kingdom. They, says Leland,\* without consulting the ministry of England, or waiting for any instructions from the king, fell at once with great severity on the recusants, and threatened all absentees from the established worship, with the penalties of the statute enacted in the second year of Elizabeth's reign. They were however soon informed, that this severity was not acceptable to the king, nor deemed consistent with his present interests in Ireland. The difficulties however, which Charles experienced at home, soon made him lend an eager ear to those, who advised him that austerity to the Papists, was the only sure method of securing supplies. He dropped his lenient tenderness for the consciences of his Catholic subjects, and immediately the system of terrorism recommenced. The archbishop of the diocese, and the chief magistrate of the city, at the head of a file of musqueteers, entered the Catholic chapel in Cook Street on St. Stephen's day, whilst they were celebrating divine service: they seized the priest in his vestments at the altar, hewed down the crucifix, and carried off all the sacred utensils and ornaments. After the first shock occasioned by this sudden and unexpected act of violence was abated, several of the congregation pursued the assailants with stones and rescued their clergyman. The representation of this incident to the English council produced an immediate order, which was carried into effect, for seizing fifteen religious houses to the king's use, and assigning the newly established seminary to the university of Dublin. The most rigorous execution of the penal laws was extended to every part of the kingdom:† and the king gave into the advice of the lords justices, that the army should be provided for out of the weekly fines to be imposed upon the Catholics, for absenting themselves from the established worship.‡ “We approve well,” said the king in his answer, “that this business “as you desire may be presently put into such a state, as that “the money, which shall by that means grow due unto us may “be ready to be levied by Michaelmas next. And as the best

\* 3 Lel. p. 7.

† The English council on this occasion acquainted the lords justices, “that his majesty in person was pleased openly and in a most gracious manner, “to approve and commend their ability and good service: whereby they “might be sufficiently encouraged to go on with the like resolution and “moderation, till the work was fully done as well in the city as in other places “of the kingdom, leaving to their discretion when and where to carry a soft “or harder hand.” *Scrin. Sacr.*

‡ Lord Strafford's State Letters, Vol. II. fol. 91.

“and surest way to bring it to effect, we do hereby authorize  
 “and require you forthwith to assemble our council there, and  
 “with their privity to cause presentments to be duly made  
 “through the whole kingdom according to the law you mention  
 “doth appoint.” \*As long as the lords justices continued in  
 the administration of Ireland, such presentments were made with  
 extreme rigour, to the great grievance of the recusants, and  
 comparatively small emolument of the crown: heavy fines also  
 were imposed upon such juries as refused to find them.

If the Catholics felt themselves aggrieved by the severity of  
 the late lords justices, much more reason had they to complain  
 of the conduct of the Lord Wentworth, who succeeded them.  
 This nobleman, better known under his superior title of the  
 Earl of Strafford, continued lord deputy from the year 1633, to  
 the year 1641. As the close of his administration was the  
 opening of what is usually termed the *great Irish rebellion*, it  
 becomes the duty of the historian to scrutinize it with rigorous  
 impartiality, in order to determine whether an event so closely  
 preceded by a seven years administration of extraordinary aus-  
 terity, were not fomented, accelerated, aggravated, or occasioned  
 by that system of severity and terrorism. Upon this more than  
 upon any other point of modern Irish history, are the English  
 and Irish historians at open variance. The former from Tem-  
 ple, Borlase, Cox, Clarendon, and Carte, down to Leland, and  
 Warner, all represent the reigns of the two first Stuarts, as the

\* When Lord Wentworth (afterwards Earl of Strafford) was appointed  
 deputy, he caused these presentments to be discontinued “Not, says he  
 “(State Letters, Vol. I. p. 75.) but that every good Englishman ought as well  
 “in reason of state as conscience, to desire the kingdom were well reduced  
 “to a conformity in religion: but because it is a great business, that has many  
 “roots lying deep and far within the ground, which should be first thoroughly  
 “opened before we judge what height it may shoot up to, when it shall feel  
 “itself once struck at, to be loosened and pulled up.” There had been much  
 intrigue to commute the voluntary contribution for the support of the army,  
 which was paid in common by the Protestants and Catholics, though the latter  
 paid above nine parts in ten, for this penal fund, which was vainly represented  
 by the lords justices and several bishops as a more certain and productive  
 source of revenue. Wentworth, however, was of a different opinion: he  
 reasoned upon the subject as a politician not as a philanthropist. (Ib. p. 76.)  
 “He was therefore for continuing the contribution as it then stood, because  
 “he thought it more safe, considering the inequality of numbers, and the ill  
 “provision of the army, to take the contribution against the will of the Pro-  
 “testants, than to raise the twelve-pence a Sunday against the liking of the  
 “recusants.” But his principal reason for not depending on the execution  
 of this statute for raising this supply, was the uncertainty of its sufficiency,  
 for (ib. 76) “if it took that good effect for which it was intended, which was  
 “to bring the Irish to a conformity in religion, it would come to nothing, and  
 “so would prove a covering narrower than a man could wrap himself in.”  
 Wentworth, who had by quitting the popular party which he had originally  
 espoused, gained a strong ascendancy over the king’s judgment, with the  
 help of Laud, brought over his majesty and the bishops to his way of thinking.



halcyon days of peace, felicity, and prosperity to Ireland.\* The latter on the contrary, from Lord Castlehaven, the bishop of Ferns, Peter Walsh, down to Gheoghegan, O'Connor, and Currie, consider that rebellion, mainly occasioned and brought forward by the intemperate, cruel, and unconstitutional administration of the Earl of Strafford. In this wide difference of opinion, I shall barely refer to the leading circumstances of his administration, leaving the inference to the unbiassed reflection of the impartial reader. Leland informs us, that few characters have been more the subject both of censure and panegyric, than that of the Lord Lentworth: that his enemies, and his admirers, have carefully inspected it: that his desertion of the popular cause in England, had rendered him odious to a party powerful, implacable, subtle, and indefatigable: that their rancour pursued him into Ireland, watched his conduct strictly, and interpreted his actions severely. He assumed his government, he says, with a mind and affection fixed on one single object, the immediate interest of his royal master: and happily the interest of the crown obliged him to study the improvement of the realm. He had heard of the turbulence and disorder of the country; and hence inferred the necessity of that severe and rigorous† administration, which suited his own austerity and arrogance. Ireland he considered as a conquered kingdom, in the strictest sense. He avowed and defended the opinion, under all the terrors of impeachment, when it was charged against him as a traiterous principle: and from the crude conception, he deduced a consequence at once ridiculous and detestable; that the subjects of that country had without distinction forfeited the rights of men and citizens: and for whatever they

\* Lord Clarendon in his vindication of Ormonde, says, "it is not the bishop's (i. e. titular bishop of Ferns) calling the ten years war in Ireland, *sanctum justissimum bellum*, or his saying they have undergone the most constant and severe persecution, for the profession of the Catholic Religion for the space of thirteen years, that can make the happy and blessed condition forgotten, which that nation was possessed of before their own unskilful rage and fury brought this war upon them." He says moreover, that the whole nation enjoyed an undisturbed exercise of their religion; and even in Dublin, (where the seat of the king's chief governor was) they went as publicly to their devotions, as he went to his: and though there were some laws still in force against them, "yet the edge of those laws was so totally rebated by the clemency and compassion of the king, that no man could say that he had suffered prejudice or disturbance in or for his religion." And "in this blessed condition of peace and security, the *English* and *Irish*, the Protestant and *Roman Catholics*, lived mingled together in all provinces of the kingdom, quietly trafficking with one another, during the whole happy reign of King James: and from his death every degree of their happiness was increased and improved under the government of his late majesty."

† Dr. Warner thinks that the absence of the Earl of Strafford was one of the great occasions of the rebellion, (p. 17.) "For the Earl of Strafford was too brave, too vigilant, and too high spirited a ruler not to have crushed such an insurrection in its birth."

were permitted to enjoy, depended solely upon the royal grace. Such men he was naturally disposed to treat with contempt, and even the most distinguished of the Irish subjects, were of little consequence in the eye of an imperious nobleman used to the magnificence of the English court, distinguished even in the crowd of exalted personages, and known to enjoy an extraordinary portion of the royal favour. He assumed the reins of government with lively prepossessions and passions violently enflamed.

Wentworth, began to play off his insincerity upon the Catholics of Ireland, (they were then in the proportion of one hundred to one Protestant) even before he had taken possession of his government.\* It has been before remarked, that for political reasons, he preferred any other mode of taxation to that of raising the necessary levies upon the consciences of the natives. In order therefore, to ensure to his royal master the continuance of the voluntary contribution† for one year longer, he tell us‡ that in order to make a trial of the temper of the Catholics (who had actually paid above two thirds of the former contribution) with regard to the continuance of it for a longer time, “he sent a private messenger of his own to Ireland, who was himself a Catholic, with instructions to invite them to make an offer to his majesty, of half a subsidy to be paid the next year; upon condition that all further prosecution upon the statute of the 2d Elizabeth, might be respited till his coming over. The instrument I employed, (says he) knows no other, but that the resolution of the state here is set upon that course, and that I do this privately, in favour and well wishing to divert the present storm, which else would fall heavy

\* For this we are able to vouch his own authority.

† In 1628, Lord Faulkland advised the Catholics to send agents over to King Charles and make him a personal tender of their services, who, says Leland, (2 v. p. 483) “in despite of public clamour and suspicion, found a very favourable reception for their overtures. They made the tempting offer of a voluntary contribution of 120000*l.* to be paid in three years, by way of three subsidies, each amounting to 40000*l.* and each to be divided into equal quarterly payments. The graces which they solicited in consequence of this extraordinary exertion of loyalty, were in some instances indeed favourable to recusants, but such as in general were evidently reasonable and equitable, calculated for the redress of those grievances, which persons of all denominations had experienced, and tending to the peace and prosperity of the whole nation. The bounty was accepted, the graces conferred, and transmitted by way of instruction to the lord deputy and council.” The most important of these graces, which consisted of fifty-one articles, (to be seen in Cox and Rushw.) were those, by which the subjects were secured in their possessions by limiting the king’s title to sixty years, the recusants were admitted to sue their liveries, ouster le mains, and other grants out of the court of wards, Catholic barristers were permitted to plead for five years without the oath of supremacy. These being granted by proclamation only, the king pledged his word they should be confirmed by parliament.

‡ St. Let. 1 vol. p. 212.

“ upon them all, being framed and executed by the Earl of  
 “ Cork, which makes the man labour in good earnest, taking  
 “ it to be a cause *pro aris & focis*.” Lord Antrim, who was  
 then one of the principal leaders of the Catholic party, on behalf of himself and other Catholics, wrote to Lord Wentworth, that they were willing to continue the contribution to his majesty as it then was, until his lordship’s arrival in Ireland. The arrogance and haughtiness of the deputy, manifested themselves even to his own party on his first landing: he omitted to summon several members of the council to attend, and on the first day, after he had kept them waiting for above two hours, he slightly and without any apology, mentioned the subject upon which he had convened them; and when on the following day they shewed symptoms of displeasure at the continuance of the contribution, he superciliously assured them in plain terms, that no necessity induced him to take them in council on that business: for that rather than fail in so necessary a duty to his master, he would undertake upon the peril of his head, he would make the king’s army able to subsist and provide for themselves amongst them, without their help.\* The menace had its effect: and he procured a written promise for the next year’s contribution from the Protestants, as it had that year proceeded from the Catholics, who ought not, said he tauntingly, to be permitted to be more forward than the Protestants in their cheerfulness and readiness to serve the king.† His proposal‡ to call a parliament was eagerly received, which they considered would supersede the necessity of any further contribution, so horribly afraid, says his lordship, were they that the contribution money would be set as an annual charge upon their inheritances, that they would redeem it at any rate.

It has been before remarked, that the influence of government was employed in the former reign, to establish a Protestant ascendancy by securing a Protestant majority in parliament. We must now judge of the parliamentary conduct of the new lord deputy, by his own account of it to Secretary Coke.§ “ I  
 “ have this day, says he, sent out writs of summons, and with  
 “ them about 100 letters in recommendation of such, as upon  
 “ advice taken with this council, were held persons ablest and  
 “ best for his majesty’s service, having both in that and all the  
 “ rest, used the utmost of my power and diligence, to get the  
 “ house to be composed of quiet and governable men.” He has

\* *i. e.* by free quarters. The Irish had frequently complained of the abuses of the military, which will appear from a report made in the preceding reign, by the commissioners appointed by James to enquire into grievances, App. No. XIX. Protection against this abuse was one of the graces recently purchased.

† St. Let. p. 98.

‡ Ib. p. 99.

§ St. Let. 1 vol. p. 259.



further favoured us with his method of marshalling the members when once returned. (*St. Let. Ib.*) "The lower house should be so composed, that neither the recusants, nor yet the Protestants, should appear considerably one more than the other: holding them as much as might be in an equal balance, as being thus easier to govern. And then in private discourse to shew the recusants, that if the late contribution ending in December of his majesty's army was not supplied some other way, the twelve pence per Sunday must of necessity be exacted from them. And on the other hand, to shew the Protestants that his majesty's army must not let go the 20,000*l.* contribution, nor yet that he would discontent the recusants in matter of religion, till the army were else certainly provided for." And for the purpose of varying the balance of votes according to the exigency of circumstances, this wary deputy acknowledges the nature of the *corps de reserve*, which he constantly kept at command. "I shall labour to make as many captains and officers, burgesses in this parliament, as I possibly can, who having immediate dependance upon the crown, may always sway the business between the two parties, which way they please." We see by a further letter from his lordship to Secretary Coke, how much beyond his instruction he pushed his arrogance and austerity to the Catholics. For when the Earl of Fingal represented to him, that it had ever been usual for the lords of the pale to be consulted concerning the parliament, and the matters to be therein propounded, he told this nobleman, that assuredly his majesty would reject with scorn all such foreign instructors: that the king's own councils were sufficient to govern his own affairs and people, without borrowing from any private man whatsoever. But being rather diffident of the king's approval of this harshness towards the lords of the pale, he adds, "If I may from you gather it was too much, I will put some water in my wine, and express it more mildly to his majesty's contentment, as well in the manner as the matter."\*

When the parliament had met, the lord deputy in his speech informed them, "that his majesty expected 100,000*l.* debt to be discharged, and 20,000*l.* a year constant and standing revenue, to be set apart for the payment of the army: and that his majesty intended to have two sessions of that parliament, the one for himself, the other for them: so as if they without conditions supplied the king in this, they might be sure his majesty would go along with them in the next meeting, through all the expressions of a gracious and good king." It is painful to acknowledge that the king himself must have combined

\* *St. Let. 1* vol. p. 247.

with Wentworth in deceiving his Irish subjects: he acknowledged\* that a free gift of 120,000*l.* had been given to his majesty for the proclamation and royal promise to get it confirmed in the first parliament that should sit; and that in the year 1631, 106,280*l.* 16*s.* 2 1-2*d.* had been paid towards it. It was determined however to break through the promise at all events, and should the deputy not have the address to get the supplies voted before the performance of the condition entered into with the Irish nation, to dissolve the parliament, and raise the supplies in some other manner. The king under this impression, assured his deputy, "that it would not be worse for him, though  
 "that parliament's obstinacy should make him break with them,  
 "for I fear, says his majesty, that they have some grounds to  
 "demand more, than it is fit for me to give." The deputy, however, took uncommon pains to persuade the parliament, that in case of their unconditional grant of the supplies, the king would confirm the promised graces; for surely, said he, "so  
 "great a meanness cannot enter your hearts, as once to suspect  
 "his majesty's gracious regards of you, and performance with  
 "you, where you affie yourselves upon his grace." We can more readily conceive, than express that determined dissimulation, which dictated this insidious speech to parliament, when Wentworth had not only advised the king to break his solemn promise, but had engaged to take upon himself all the obloquy, infamy, and danger of this breach of faith with the nation; and for which the king soon after thanked him in a letter written in his own hand.†

The commons relying upon the promises of the deputy, voted six entire subsidies, amounting to 240,000*l.* a sum far exceeding his most sanguine expectations, and in return they drew up a remonstrance‡ concerning his majesty's promised graces, parti-

\* St. Let. 1 vol. p. 68.

† "WENTWORTH,

"BEFORE I answer any of your particular letters to me, I must tell you, that your last dispatch has given me a great deal of contentment, and especially for the keeping off the envy of a necessary negative from me, of those unreasonable graces that people expected from me."

St. Let. 1 vol. p. 331.

That it was the concerted and settled plan both of Charles and his deputy, to deceive and defraud the Irish, who had upon the faith of the king, purchased these graces for 120,000*l.* is not only evident from *their own* words, but is further proved by the admission of our own historians. *Carte* (Orm. p. 61.) says, "he was not without apprehension, that the parliament might press for a confirmation of all the graces given the 24th of May, 1628, in instruction to Lord Faulkland; many of which, if established by a law, would not sort either with  
 "his majesty's present profit, (for that of limiting the title of the crown to  
 "sixty years, would alone lose him 20,000*l.* per annum) or with the power  
 "requisite to be upheld for the future in the kingdom." Vide *Rushw.* 2 vol. p. 210.

‡ Quod vide App. No. XX.

cularly in relation to the enquiry into defective titles, and deputed Sir George Radcliffe, master of the rolls, Sir James Ware, and nine other respectable members to present it to the deputy. Soon after the meeting of the second session of this parliament, (12th of November 1634) the commons were ordered into the presence chamber to receive the lord deputy's answer. By this he informed them with sullen imperiousness,\* that he would not transmit to England the statute 21 *Jacobi*; but that such refusal was his own; their request† never having been so much as sent over by him: that passing this act to prevent enquiry into defective titles, was not good and expedient for the kingdom at that time, and so they were to rest satisfied without stirring any more as to that particular, as a thing, which could not, nor would not be departed from. It is obvious, from their vast preponderancy both in numbers and property at this time, that this answer was chiefly, if not solely intended to affect the Catholics, who from it, says Wentworth,‡ “were so ill to please, “that they lost all temper, and broke forth into such froward “sullenness, as was strange; rejecting hand over head every “other bill, that was offered them from his majesty and the “state.”

§ The subsequent conduct of the deputy clearly explained what he meant by *the inexpediency to the kingdom*, which the observance of the king's promise would at that time create. For he instantly set about his grand and favourite plan of inquisition into the king's title to the whole province of Connaught: of which Leland thus speaks.|| “Wentworth was impatient to “signalize his administration, by a service of immediate and “extensive emolument to his royal master. His project was

\* Wentworth tells us, that he had already resolved to give them an “answer “round and clear, and such as would stifle all replication.” *St. Let.* 1 vol. p. 338.

† This assertion was a direct falsehood: for he says in a letter to Coke of the 6th of October 1634, “that he sends the petition of the lower house, relative to these graces: and that the ground of denying all, may be set upon him “and the council: and so his majesty preserved from all colour of declining in “any part of that which they expected.” *St. Let.* p. 304.

‡ *St. Let.* p. 304.

§ One particularity attended the administration of Wentworth, which is to be traced in no other either before or since his time: namely a disregard to every description of persons, who were not servilely devoted to his despotism. He convened a national synod or convocation of the Protestant clergy, in which he forced upon them the thirty-nine articles of the Church of England, more as Leland observes (3 v. p. 28) by the influence of his authority, than the “inclinations of a great part of the clergy, although but one member of the convocation ventured publicly to avow his dissent. These regulations in the “ecclesiastical system were followed by an establishment too odious, and “therefore too dangerous to be attempted during the sessions of parliament, “that of an high commissioned court, which was erected in Dublin after the “English model, with the same formality and the same tremendous powers.”

|| 3 *Lel.* p. 30, 31.



“ nothing less, than to subvert the title to every estate in every  
 “ part of Connaught, and to establish a new plantation through  
 “ the whole province. A project, which when first proposed in  
 “ the late reign, was received with horror and amazement, but  
 “ which suited the undismayed and enterprising genius of Lord  
 “ Wentworth. For this he had opposed the confirmation of the  
 “ royal graces transmitted to Lord Faulkland, and taken to him-  
 “ self the odium of so flagrant a violation of the royal promise.  
 “ The parliament was at an end, and the deputy was at leisure  
 “ to execute a scheme, which as it was offensive and alarming,  
 “ required a cautious and deliberate procedure.”

The daring efforts of mercenary informers, the penetrating researches of rapacious adventurers, and the overstrained ingenuity of court lawyers, were all employed by Wentworth in forwarding his darling project. He proceeded at the head of the commissioners of plantation to the western province. He had previously intimidated the county of Leitrim into a voluntary recognition of the king's title and submission to a plantation. He next entered upon Roscommon: and there the king's title was unexceptionably found without scruple or hesitation. If we give credit to Wentworth's own accounts of the preparations and dispositions he had made to secure the success of this project, we shall agree with Leland's observations, that the presence and interposition of a lord deputy, and a deputy whose character and temper were fitted to operate on men's passions, had probably their full effect on this occasion.\* He told the juries, that his majesty's intentions in establishing his undoubted title, was to make them a rich and civil people; that he proposed not to deprive them of their just possessions, but to invest them with a considerable part of his own: that he needed not their interposition to vindicate his right, which might be established in the usual course of law, upon an information of intrusion; but that he wished his people to share with him in the honour and profit of the glorious and excellent work he was then to execute. To his majesty it was indifferent, whether their verdict should deny or find his title. If they were inclined to truth and their own interests, they were to find the title for the king: if to do that, which was simply best for his majesty, without regard to their own good, the deputy advised them roughly and pertinaciously to deny to find any title at all.† Mayo and Sligo followed the example of Roscommon, and found for the king. But the Galway jury less pliant, did not find the king's title; and we learn from the deputy's own words how he treated them,

\* St. Let. 1 v. p. 443.

† St. Let. 1 v. p. 442. Wentworth adds, that after this speech to the jury, “ there I left them to chant together, as they call it, over their evidence, and “ the next day they found the king's title without scruple or hesitation.”

the sheriff and council on this account. \* “We bethought ourselves, says he, on this occasion, of a course to vindicate his majesty’s honour and justice, not only against the persons of the jurors, but also against the sheriff for returning so insufficient, indeed we conceive, so packed a jury, and therefore we fined the sheriff in a 1000*l.* to his majesty. The jury were fined 4000*l.* each; their estates were seized and themselves imprisoned, till the fines were paid.” Such was the sentence pronounced against them in the castle chamber,† to which his lordship had bounden them over, and where he conceived, “‡ it was fit that their pertinacious carriage should be followed with all just severity.” And, “§ as for the counsellors of the law, says he, who so laboured against the king’s title, we conceive it is fit that such of them as we shall find reason to proceed withal, be put to take the oath of supremacy, which if they refuse, that then they be silenced and not admitted to practice.” However ready the deputy had at first been to bear the personal odium of the king’s breach of promise and faith to his Irish subjects, yet latterly there appears to have been a mutual engagement between the king and deputy to assume conjointly the blame and infamy of each other’s conduct towards that unfortunate nation. Wentworth assures us, that upon his making a report to the king and council of these proceedings, his majesty said, “it was no severity, wished him to go on in that way; for that if he served him otherwise, he should not serve him as he expected. So I kneeled down,” adds he, “kissed his majesty’s hand, and the council rose.”||

\* St. Let. 1 v. p. 451.

† This appears to have been the practice of his predecessors on similar occasions, which evidently was not the most effectual mode of reconciling the affections of the Irish to the humane laws, and mild government of England. “The star chamber, (said Lord Deputy Chichester in 1613) is the proper place to punish jurors, that will not find for the king upon good evidence.” *Des. Cur. Hib.* 1 v. p. 262.

‡ St. Let. ubi supra.

§ St. Let. 1 vol. 454.

|| Were it not for these avowals by the parties themselves, one could be scarcely induced to credit the grounds upon which the commons of England voted the following amongst other grievances under Strafford’s administration, to be real: viz. “That jurors who gave their verdict according to their consciences, were censured in the castle chamber in great fines; sometimes pillored, with loss of ears, and bored through the tongue, and sometimes marked in the forehead, with other infamous punishments.” We have indeed his own testimony for the various cautionary practices he was wont to use on these occasions. In a letter to the secretary, he says (*St. Let.* 1 vol. 353.) “This house is very well composed, so as the Protestants are the majority; and this may be of great use to confirm and settle his majesty’s title to the plantations of Connaught and Ormonde; for this you may be sure of; all the Protestants are for plantations, all the other against them: so as these being the greater number, you can want no help they can give you therein. Nay, in case there be no title to be made good to these countries in the

It was impossible, that some complaints of the harsh, imperious, and unjust administration of Wentworth should not reach the royal ear: but his influence upon the mind of Charles was proof against all the efforts of his enemies. He was, indeed, recalled, but upon representing his own case to the king, besides receiving the order of the garter and earldom of Strafford, he was confirmed in his station, under the more honourable title of lord lieutenant. The king's necessities obliged him to call parliaments both in England and Ireland: and although the Irish parliament readily voted six more subsidies, the commons considering supplies and grievances to go hand in hand, presented a very strong petition of remonstrance,\* setting forth in fourteen separate articles, the grievances that nation then laboured under. Strafford being justly alarmed at the progress and conduct of the Scotch covenanters, and perceiving the affairs of his royal master, both in England and Scotland, to be on the decline, raised a body of 9000 men in Ireland, 8000 of which were Roman Catholics; well knowing that he could rely upon their loyalty and zeal for his majesty's crown and dignity. The Irish,† said he, “were as ready for this purpose to venture their persons, as they were to open their purses.” Conscious, however, that he was represented in England (and not without reason) as obnoxious to this body of men, he conceived, nevertheless, the vain ambition of commanding them in the field:‡

“crown, yet should I not despair forth of reasons of state and for the strength and security of the kingdom to have them passed to the king by an immediate act of parliament.” And in the same letter he adds, “that he considered that majority of the Protestants in the house of commons as a good rod to hold over the Papists.” And (*St. L.* 442) he further informs us, that he had given special directions to have men of fortune returned upon the juries in Connaught, for the first trials of the defective titles, because “this being a leading case for the whole province, it would set a value in their estimation upon the goodness of the king's title, if found by those persons of quality. And on the other hand, if the jury should prevaricate, he would be sure then to have persons of such means, as might answer to the king in a round fine in the castle chamber: and because the fear of that fine would be apter to produce the desired effect in such persons, than in others, who had little or nothing to lose.” He elsewhere (*Ib.* 339) admits, “that he enquired after fit men to serve upon juries; and treated with such as would give furtherance to the king's title.” And he also proposed the raising of 4000 horse as good lookers on whilst the plantations were settling. And in still further promotion of this favourite scheme, he prevailed upon the king to bestow twenty per cent. or one full fifth of the value of all the estates to the lord chief justice and chief baron. Which he says (*St. Let.* 2 vol. 41) “he had found upon observation, to be the best given that ever was: for that by these means, they did intend that business with as much care and diligence as if it were their own private: and that every four shillings once paid would better his majesty's revenue four pounds.”

\* Quod vide in App. No. XXI.

† *St. Let.* 2 vol. passim.

‡ A high, though ungracious compliment to the men whom he had ever disliked and persecuted.



he laboured, therefore, privately to persuade the king,\* “ that the Irish did not distaste him so much, as willingly to change him, or to desire any new deputy in his stead, and that if it were left to their choice, they would not have any other general but himself.” Although the arrogance and pride of Strafford prevented him from being beloved by individuals, his vanity and ambition rendered him greedy of public admiration and esteem: finding therefore his power on the decline, he descended to the pitiful shift of forcing his own eulogy upon the national records by means of his creatures in parliament. The preamble of the last act of subsidies contains the most fulsome forced panegyric of his *sincere and upright administration*, with thanks to his majesty for having placed over them so *wise, just, and vigilant a governor*. These very commoners, however, in the very next session of parliament, entered into a solemn protestation (in which they were joined by the lords),† “ that the aforesaid preamble to the act of subsidies was contrived, penned, and inserted fraudulently (without the privity of the house, either by the earl of Strafford himself, or by some other person or persons advisors, procurors, or actors of or in the manifold and general grievances and oppressions of his majesty’s kingdom of Ireland, by the direction and privity of the said earl, on purpose to prevent and anticipate the just and universal complaints of his majesty’s faithful, dutiful and loving subjects against him.” It is well known, that the Earl of Strafford was attainted by the English parliament of high treason, and suffered death as a traitor, and that the attainder was afterwards reversed by parliament under Charles II. upon the grounds that the turbulent party not being able to convict him of any single act of treason, had framed, and by force and violence passed an act for his attainder for *accumulative or constructive* treason. In making every allowance for the opposite extremes of party prejudice in the years 1641 and 1660, we must not dissemble, that Strafford, though innocent of treason, was guilty of high misdemeanors; and considering the force of example and the evil consequences of high misdemeanors in the supreme governor of a kingdom, it is but a tribute of justice to a much traduced nation, to lay before the public the solemn and considerate judgment of their sovereign, upon those very acts of his friend and favourite, of which he saw but too late the mischief and enormity. Within a fortnight before the execution of the Earl of Strafford, his majesty made a speech to the house of peers, in which after telling them that he had been

\* Ibid.

† 1 Journ. Com. of Ireland, 176. As this protestation throws strong light upon the temper of the Irish, immediately before the grand rebellion, it is given in the Appendix, No. XXIII.

present at the hearing of that great case from one end to the other; "I must, says he, tell you, that I cannot in my conscience condemn him of high treason, &c. I desire rightly to be understood: for though I tell you in my conscience I cannot condemn him of high treason, yet I cannot say I can clear him of misdemeanures, &c. Nay, for misdemeanures I am so clear in them, that though I will not chalk out the way, yet I will shew you, that I think my Lord Strafford is not fit hereafter to serve me, or the common-wealth, in any place of trust; no, not so much as a constable."\*

Although Charles had given this solemn testimony of the misconduct of Strafford, yet so implicated was he in his lordship's system of governing Ireland, that he appointed by Strafford's recommendation his kinsman and creature Sir Henry Wandesworth, to succeed him. Fear, despair, and grief, brought on by the violent and oppressive administration of Strafford, soon occasioned the death of the new deputy. So infatuated however was the king with the system of his favourite, notwithstanding he had pronounced him unworthy to be even a constable, that he appointed Lord Dillon, the friend and relative of Strafford, and Sir William Parsons, lords justices of that kingdom; but finding that Lord Dillon was not agreeable to the Irish nation because of this intimacy and alliance, he cancelled the commission, and appointed Sir John Borlase, master of the ordnance, in his room. †No sooner, says Warner, were these ministers possessed of their high power, than they endeavoured to put the government on its former footing: in order to mollify the sharp humours, which some of the rigid measures of the Earl of Strafford's administration had introduced; the known laws of the land were made the standard of their government: and they gave all due encouragement to the parliament then sitting, for the ease and accommodation of his majesty's subjects in some important articles. Happy had it been for the king and kingdom that this system had been ever pursued!

Charles finding, that his frequent breaches of faith with the Irish, and the avowed misdemeanors of his favourite Strafford had tended greatly to estrange the affections of his Irish subjects, made one more effort to recal their attachment by a fresh pledge of his royal word. He wrote to the lords justices a public letter‡ of assurance that his loving subjects should from

\* After this testimony, what faith can be given to Carte, and our other historians who follow him, telling us, "that there could not be a higher or juster eulogium given of a governor, and of his upright and impartial administration by any body of men, than was given of this lord lieutenant and his administration by this house of commons: it was given *nemine contradicente*, and passed with loud and general acclamation of applause." 1 Orm. 107.

† Warner's Hist. of Reb. p. 5.

‡ As the beginning of this letter shews the purport of the whole, it is to be seen in the Appendix, No. XXIV.

thenceforth enjoy the graces promised to them in the fourth year of his reign. Soon after the receipt of this letter, the parliament adjourned: and the lords justices, as they had been instructed, issued a proclamation of all his majesty's grants and graces, that they might be known to the people. So little however were they even now disposed to discredit the word of their sovereign, that the new proclamation seemed to have produced a total oblivion of the breach of the former: general satisfaction prevailed, in full confidence, that the laws, to which the people now considered themselves entitled by compact and purchase, would be passed at the meeting of the parliament. During this recess the grand rebellion broke out, or rather was proclaimed.

In order to form an unbiassed judgment of this period of Irish history, we must attend closely to the power and ascendancy, which the Puritan party then had acquired in that kingdom. In many points of view it was more extensive and powerful than in England: for the spirit of it not only pervaded every department of the state, civil, military, and clerical, but their efforts being chiefly directed against the Catholics, were eagerly seconded by all the Protestants of that kingdom; the destruction of Popery being a common object of their mutual zeal. The Puritans dreaded the loyalty more than the religion of the Catholics; but by persecuting them on the score of religion, they attacked their means of supporting the royal cause, and associated all other Protestants with them, whilst they could thus mask their batteries against the throne. As long therefore as the Independents could keep up the division of Ireland into *Catholic* and *Protestant*, so long were the loyal Protestants deceived in the assistance they gave to the arms of those rebels. It is impossible to fix the day on which the usurped power of the parliamentarians commenced, and the constitutional power of the crown ceased. From the moment of that usurpation, resistance to the parliamentary power, was loyalty, not treason. The Irish Catholics were the first and last in arms for King Charles\*. It was their boast and glory to oppose all the king's

\* I know of no better authority than that of Lord Strafforde, to prove the extraordinary loyalty and affection of his majesty's Irish Catholic subjects, however prone others have been to traduce and vilify them. He tells the King in a letter on the 23d of March, 1639: "This very evening the supply was proposed in the house of commons, and four subsidies assented with all possible cheerfulness, together with a declaration that they will further supply your majesty with their estates and fortunes to the very uttermost, desiring this declaration may be printed together with the bill for subsidies, &c. In one word, your majesty may have with their free good will as much as this people can possibly raise. Next, your majesty may as safely account yourself master of their lives and fortunes, as the best of kings can promise to find amongst the best of subjects; and that if those in England comply with the like alacrity, and minister to your majesty's princely designs and purposes, you will be at an end of the war before it begins. My next endeavour



enemies, notwithstanding the duplicity and severity they had experienced from the crown. The Puritans wished to raise the Catholics in arms, especially, whilst they could command the co-operation of the other Protestants to subdue them. And thus it is evident, that in Ireland the Puritan party for a considerable time continued to forward their rebellious designs against the throne, under the appearance of loyalty and submission to the royal authority, and with the concurrence of his majesty's arms. In every quarter of the kingdom, in every department of government, they found means to foment and raise what they called a Popish rebellion. The lords justices, *Borlase* and *Parsons* prevented the bills of grace from passing, in direct contravention of the king's commands, they revived the persecution to the highest degree of irritation against the Catholics, and published throughout that kingdom certain petitions presented to the parliament of England, which were applications for the means of destroying the religion, lives, and estates of the Catholics of Ireland. The Scotch covenanting army published the like resolutions, and the Irish believed them earnest in their declarations that they would extirpate all the Catholics from the province of Ulster, and enforce the covenant by the rope and the sword. Under these menaces and alarm, some few\* of the northern Catholics associated and armed in self-defence against those whom they considered enemies to God and their king..... Some private views will always on such occasions be mingled with the common cause. Lord Clanricarde, who had just arrived from England at this juncture, said, however that “\*none appeared in this detestable conspiracy, or entered into action, but the remains of the ancient Irish rebels in the north, and some of the planted county of Leitrim.” But how did the king himself speak of this rebellion?

“is, to settle the levies for the 8000 foot, and for ordering those other great incidents accompanying so great a design, as will be the transportation and maintenance of so great an army, wherein I will not lose an hour, or suffer this nation to cool on my hands, whose zeal is all on fire to serve your majesty on this occasion.” (2 vol. St. Let. 396.) In a letter from thirteen privy counsellors to secretary Windebank on the same day, it is said, “which we mention for the glory of his majesty, that hath so good and loyal subjects.” Strafford on the next day, in a letter to Windebank, says, “As in their purses, so also in their persons I find them most earnest to venture them in his majesty's service,” (399) and in the postscript to that letter, viz. “on the 28th of March, he adds, “In truth, there cannot better be desired of them than they are willing to effect.” In this very letter to Windebank, he gives us full proof of his contempt of the Irish, and a strong implied avowal, that he had not theretofore consulted their wishes and happiness: “Next, I will pass the royal assent upon the bills of subsidies, and two or three bills of grace, which will be also ready, and so adjourn till after Whitsuntide, dismissing them with the best words I can possibly give them, to make them in love and liking with what they have done: and afterwards to the utmost of my power always minister to their fitting contentment and satisfaction, as in truth they passing well deserve.” If he had been sincere in this, his future conduct towards them, would have been widely different from the past.

\* Clan. Mem. 63.

“ \* The commotions,” says his majesty, “ in Ireland were so sudden and so violent, that it was hard at first either to discern the rise, or apply a remedy to that precipitant rebellion. Indeed that sea of blood which hath there been cruelly and barbarously shed, is enough to drown any man in eternal infamy and misery, whom God shall find the malicious author or instigator of its effusion.” It is not difficult to decipher, that the royal apologist meant to lay this rebellion to the account of the Puritan party of that day, charging them with thinking, they cannot do well but in evil times, nor so cunningly, as in laying the odium of these events on others, wherewith themselves are most pleased, and whereof they have been not the least occasion. And certainly it is thought by many wise men, that the preposterous rigour and unreasonable severity, which some men carried before them in England, was not the least incentive that kindled and blew up those horrid flames, the sparks of discontent, which wanted not predisposed fuel for rebellion in Ireland: where despair being added to their former discontents, and the fear of utter extirpation to their wonted oppressions, it was easy to provoke to an open rebellion a people prone enough to break out to all exorbitant violence, both by some principles of their religion, and the natural desires of liberty; both to exempt themselves from their present restraints, and to prevent those after-rigours wherewith they saw themselves apparently threatened by the covetous zeal and uncharitable fury of some men, who think it a great argument of the truth of their religion, to endure no other than their own.

“ I would to God no man had been less affected with Ireland’s sad estate than myself. I offered to go myself in person upon that expedition†: but some men were either afraid I should have any one kingdom quieted, or loath they were to shoot at any mark less than myself: or that any should have the glory of my destruction but themselves. Had my many offers been accepted, I am confident neither the ruin would have been so great, nor the calamity so long, nor the remedy so desperate.”

“ But some kind of zeal counts all merciful moderation, lukewarmness, and had rather be cruel than counted cold; and is not seldom more greedy to kill the bear for his skin, than for any harm he hath done: the confiscation of men’s estates being more beneficial, than the charity of saving their lives, or reforming their errors.” And, “ I believe it will at last

\* *Εικων Βασιλικη*. p. 50, 51, &c.

† Sir E. Walker says (*Hist. Disc.* 231) that this proposal was ill taken by the commons, as fearing the rebels might submit to his majesty, and so become his in opposition to their designs.

“ appear, that they, who first began to embroil my other kingdoms, are in great part guilty, if not of the first letting out, yet of the not timely stopping those horrid effusions of blood in Ireland.” So spoke the king even from the partial accounts transmitted to him by his own favourites, who were generally enemies to Ireland.

It is not to be dissembled, that in an affair of such diversified moment, a vast variety of causes must have co-operated to produce the effects, which so deeply affected the state. We are assured by different authors, that many were excited to rebellion by the success of the Scotch covenanters, who, by their irruption into England, had obtained the sum of 200,000*l.* to induce them to return quietly into their own country ; others, from the dread of the menaces of the covenanting army in Ireland, that they would extirpate every priest and Papist out of the nation : that some of them embarked in it from zeal to their own, and others from abhorrence of the reformed religion under all its different forms and denominations ; that all the Puritans, and most other descriptions of Protestants, seized with that turbulent and restless spirit, which then agitated England, closely followed its examples by opposing all royal authority whatever : that numbers of the old Milesian Irish seized upon this moment of confusion and weakness in the English cabinet, to revive and enforce their ancient claims to the kingdom, which they still considered as usurped by the English, and withholden from them by no other right or title than of force : that no inconsiderable portion of the nation was stimulated into insurrection by their clergy who had been educated abroad in hopes of procuring a civil establishment of the Catholic religion, and other foreign emissaries from courts, whose politics prompted them to weaken the power of the British empire by the internal dissensions of its subjects : in a word, that numberless individuals bereft of their possessions by plantations and forfeitures, persecuted for the exercise of their religious duties, or prevented from any useful or permanent occupation by the effects or abuse of the penal laws, or the indolence of their own dispositions, composed a formidable body of malcontents, who sought redress, preferment or existence in the confusion of commotion and turbulence. These various motives probably operated upon the individuals : but the main source of the evil lay in the existence of real grievances, which formed a plausible rallying point to all. And it is incontestible, that such at this time was the prevalence of the Puritan party in Ireland, such their arrogance, ferocity and power, such their avowed hatred to the Catholics, and such their still dissembled but active enmity to royalty, that the most serious apprehensions of an immediate



general massacre or extermination of the whole body of the Catholics were generally entertained throughout the kingdom.\* There prevailed at this time a conviction that the armed force in Ireland† was, generally, hostile to the king, and that the English parliament had either by concession or usurpation, acquired the government of the kingdom of Ireland.‡ All the remonstrances of the Catholics expressed their loyalty to his majesty, and tenders of service against his enemies ; for such from that time they considered the covenanters, and all those who supported or adhered to them : and their complaints generally ran against the harshness, arrogance, and injustice of their immediate governors.

\* This amongst many other documents appears by a remonstrance presented at that time by the northern nobility and gentry to the king, which is to be seen in Des. Cur. Hyb. 2 vol. 86, and contains the following passage. " There was a petition framed by the Puritans of this kingdom of Ireland, " subscribed by the hands of many hundreds of them, and preferred to the " house of commons of the new parliament of England, for suppressing our religion and us the professors thereof residing within this kingdom of Ireland : " which as we are credibly informed, was condescended unto by both houses " of Parliament, there, and undertaken to be accomplished to their full desires, and that without the privy or allowance of your majesty." And Dr. Anderson in his *Royal Genealogies*, p. 786, says, " That the native Irish being well informed as they thought (in 1641) that they now must either turn " Protestant or depart the kingdom, or be hanged at their own door : they betook to arms in their own defence, especially in Ulster, where the six counties had been forfeited." About this same time a very strong and dispassionate remonstrance from Cavan, said to have been drawn up by Bishop Bedel, was presented to the lords justices : and Burnet in his life of Bishop Bedel owns that this remonstrance gives the best colours to their proceedings of any of their papers he had ever seen : (Vid. App. No. XXII.) " The northern plantations, says Leland (3 Vol. 89) could not but be offensive to the old " Irish : and those among them that submitted and accepted their portions of " land, complained that in many instances they had been scandalously defrauded. " The revival of obsolete claims to the crown, harassing of proprietors by " fictions of law, dispossessing them by fraud and circumvention, and all the " various artifices of interested agents and ministers, were naturally irritating. " And the public discontents must have been further enflamed, by the insincerity of Charles in evading the confirmation of his graces ; the insolence " of Strafford in openly refusing it, together with the nature and manner of his " proceedings with the proprietors of Connaught."

† I speak not of that armed force of 8000 men, which had been raised by Lord Strafford to be led into Scotland, and which was disbanded in June 1641, without any inconvenience or disorder in the nation at that time. *Carte Orm.* 1 vol. p. 134. The 1000 Protestants of this body were sent back to their old corps, from whence they had been drafted. Of the loyalty and zeal of this corps, Strafford has left us the following eulogies. *State Letters*, 2 vol. " It " is hardly to be believed what forwardness there is in these people to serve " in this expedition (against the Scots). Certainly they will sell themselves " to the last farthing before they deny any thing which can be asked of them " in order to that." And in another letter he tells the king, " they are all on " fire to serve his majesty."

‡ With reference to this idea, Dr. Warner said (*Hist. of Reb. p. 5.*) : " So " that he might further testify his resolutions to make his Irish subjects easy " under his government, in the beginning of May he appointed the Earl of Leicester, and not the English parliament, as Ludlow says, lord lieutenant of " that kingdom."

On the 23d of October, 1641, the lords justices issued a proclamation, by which they declared, "that a discovery had been made of a most disloyal and detestable conspiracy, intended by some evil affected Irish Papists, universally throughout the kingdom." Whether this misrepresentation of the universality of the conspiracy arose from malice or design, certain it is, that the lords and gentlemen of the pale immediately represented in a petition to the lords justices and council, that they and other innocent persons might seem to be involved as Catholics in the general terms of the proclamation; whereupon on the 29th of the same month, they sent forth an explanatory proclamation, declaring, that by the words "*Irish Papists*" they intended only such of the old Mere Irish in the province of Ulster as had plotted, contrived, and been actors in that treason, and others that adhered to them; and none of the old English of the pale or other parts of the kingdom.\* Here I wish to draw an impervious veil over every scene of blood and horror which defiled the actors, as well as over the imaginary fictions and exaggerations which have disgraced most of our historical relations of these transactions.† Suffice

\* It is devoutly to be wished, that one injunction of this latter proclamation had been attended to; for by it the lords justices enjoined all his majesty's subjects, whether Protestants or Papists, to forbear upbraiding matter of religion on this occasion.

† There are no bounds to the exaggerations of our historians, as to the number of Protestants said to have been massacred by the Irish in this rebellion. Sir John Temple says, that 150,000 Protestants were massacred in cold blood, in the two first months of the rebellion. Sir William Petty coolly calculates 30,000 British were killed, out of war, in the first year of this insurrection. And Lord Clarendon laments, that in the first two or three days of it, 40 or 50,000 of them were destroyed. Dr. Warner, though very adverse to the Irish, confesses, that he could only collect from positive evidence and report for the first two years, that 4028 were killed, and that 8000 died of ill usage; which he says was corroborated by a letter in the council book, at Dublin, written on the 5th of May, 1652, from the parliamentary commissioners in Ireland to the English parliament: which, in order to excite the parliament to greater severity or at least less lenity towards the Irish, tells them, that it then appeared, that besides 848 families, there were killed, hanged, and burnt, 6062. In justice, however, to Lord Clarendon, it must be mentioned, that he admits one fact that contradicts most of our authors, and is contrary to the generally received notion, that this rebellion first broke out by a general massacre of all the Protestants that could be found, in cold blood. "About the beginning of November (says he), 1641, the English and Scotch forces in Carrickfergus, murdered, in one night, all the inhabitants of the island Gee (commonly called *Mac Gee*), to the number of above 3000 men, women, and children, all innocent persons, in a time when none of the Catholics of that country were in arms or rebellion. Note that this was the first massacre committed in Ireland, of either side." *Clar. Hist. Rev. of the Affairs of Ireland*, p. 329. This pathetic lamentation of Clarendon, which he must have known to be false, is to be placed to the account of his zeal for the good cause, and to be considered as one of the pious ejaculations of a sore frightened and irritated mind, which he completely falsifies when he returns to the duty of an historian. For how could 40,000 or 50,000 Protestants have

it to say, that there appears to have been no preconcerted system or preparation for a rising on the part of the Irish, when their most virulent libeller *Sir John Temple* admits, that "these rebels at their first risings out had not many better weapons than staves, scythes, and pitchforks." *Borlase*, who still improved upon Temple's rancour to the Irish, says, "the first insurgents in Ulster, though without arms and ammunition, got possession of most parts of the kingdom." The Earl of Ormond, according to Carte, acknowledged, that "such of the insurgents as appeared to him seemed rather to be a tumultuous rabble, than any thing like a disciplined army; and he was of opinion, that there were as many arms, within a few, in the hands of 600 of the king's forces, as there were amongst all the rebels then in the kingdom." But what Lord Clanrickard, to whom neither party refuses credit, says, is the most important to be known: "That the Scots in Ulster were 40,000 well armed men, when the rebellion commenced; at the same time that the rebels were at least by half less numerous, and furnished with few better weapons than staves, scythes, and pitchforks." In the very outset of the rising in Ulster, the chiefs of the insurgents, through fear of this formidable armed force of the Scots in Ulster, published a proclamation, "forbidding their followers, on pain of death, to molest any of the Scottish nation in body or goods." And Temple admits that this was for a time obeyed. The lords justices *Parsons* and *Borlase*, who gave deeply into the Puritan party, not only declined all offers, and checked every exertion of the loyal Catholics to put down the northern insurrection, but forced their ingenuity and power to the utmost, in order to drive the rest of the kingdom into a similar insurrection, for the base and profligate purpose of profiting of the forfeitures of those who should give into it;\* in which nefarious project they too effectually suc-

been massacred within the two or three first days of the rebellion, which began on the 23d of October, when he tells us, that the 3000 Irish Papists massacred by the Protestants in the ensuing month, was the first massacre of either side. His lordship also gives this testimony of the Irish suffering without retaliation in Munster: "In Decy's county, the neighbouring English garrison of the county of Cork, after burning and pillaging all that county, they murdered above 300 persons, men, women and children, before any rebellion began in Munster, and led 100 labourers prisoners to Caperquine, where being tried, by couples were cast into the river, and made sport to see them drowned. Observe that this county is not charged with any murder to be committed on Protestants." *Ibid.* p. 396.

\* "Whatever (says Leland) were the professions of the chief governors, the only danger they really apprehended, was that of a too speedy suppression of the rebellion. Extensive forfeitures was their favourite object, and that of their friends." 3 *Leland*, p. 160. They with some of their partisans in the council, says Carte (1 vol. p. 194), privately wrote to the Earl of Leicester, then lord lieutenant, desiring his secrecy, for they could not speak openly at the council board; that he would not accept of any overtures for



ceeded. The conduct of these infamous justices, which goaded the loyal Irish into insurrection, is thus summarily detailed by Dr. Warner, who had evidently no propensity to favour the Irish: \* "The arbitrary power exercised by these lords justices; their illegal exertion of it by bringing people to the rack to draw confessions from them; their sending out so many parties from Dublin and other garrisons to kill and destroy the rebels, in which care was seldom taken to distinguish, and men, women, and children were promiscuously slain: but above all, the martial law executed by Sir Charles Coote, and the burning of the pale for seventeen miles in length, and twenty-five in breadth, by the Earl of Ormond; these measures not only exasperated the rebels, and induced them to commit the like or greater cruelties, but they terrified the nobility and gentry from all thoughts of submission, and convinced them, that there was no room to hope for pardon, nor any means of safety left them but in the sword." And Leland observes, † "that the favourite object both of the Irish government and English parliament, was the utter extermination of all the Catholic inhabitants of Ireland. Their estates were already marked out and allotted to the conquerors, so that they and their posterity were consigned to inevitable ruin." Thus was the nation compelled to arm in self-defence. The system of tyranny and oppression, under which they groaned they attributed to the parliament: and in resisting it, they then and ever since have considered themselves acting as royalists.‡ It has been said,

checking the Northern rebellion, because the charge of supplies from England would be abundantly compensated out of the estates of the actors in the rebellion.

\* History of Rebellion, p. 183.

† 3 Leland, p. 166.

Carte, the panegyrist of Ormond, tells us, that after Parsons's disgrace he owned to Clanrickard, that during Borlase's and his administration, "the parliament's pamphlets were received as oracles, its commands obeyed as laws, and extirpation preached for Gospel." How infamous then was it not in Ormond, to lend himself as the base tool to their enormities. The prevention of the king's will that the acts of grace should be passed in parliament, the breach of faith with the lords of the pale, the suppression of the royal proclamations and pardons, unmerited and unresisted massacres, burnings, and pillages, were the further means, by which these justices forced the loyal Irish to resist the usurped tyranny of the parliamentarians.

‡ Sir William St. Leger, the president of Munster, committed the most unprovoked murders and barbarities throughout that province, and when the principal nobility and gentry remonstrated with him upon the danger of their rising, he tauntingly insulted them all "as rebels, would not trust one of them, and thought it most prudent to hang the best of them." In this he was encouraged by Ormond, to whom he wrote on the 8th of November, 1641, "that they were then only a company of ragged, naked rogues, that with a few troops of horse would be presently routed." And on the 11th, "Never was such a war heard of, no man makes head." *Carte Orm.* The particular views for goading this province into rebellion, are fully laid open in Lord Corke's letter to the speaker of the House of Commons in England, which he

that a commission under the great seal to Phelim O’Nial to rise in arms against the usurped armed force of the Protestants in Ireland had been forged. The king’s enemies affected to believe it a true commission ; their aim being to implicate his majesty in the business, by considering this commission as an open declaration of war by Charles and his Irish Catholic subjects against his parliament and Protestant subjects. But the forgery of it by O’Nial (as he confessed it at the place of his execution) speaks highly in favour of the loyalty of the Catholics, who could on no other grounds be induced to take up arms, but in support and defence of the king, and his crown and dignity. The king’s conduct at this time, in relation to his Irish subjects, could have no other appearance in their eyes, than of compulsion : for they never could believe that the King of Ireland should adopt the unconstitutional and unjust measure of committing to his English parliament the care and whole government of the kingdom of Ireland, they then having an independent parliament of their own. Yet that this was attempted, appears from the order of the two houses of parliament to the lords justices, in which no assent, or even derivative idea of the king’s authority is referred to.\* The lords and gentlemen of the pale, whose houses had been burned, whose lands had been destroyed, whose tenants had been murdered by the Earl of Ormond under these parliamentary justices, without crime, provocation, or resistance, renewed their application to government to accept of their best endeavours to check and put a stop to the insurrection, now daily encreasing throughout the kingdom : but their overtures were indignantly rejected. The Earl of Castlehaven was imprisoned ; and Sir John Read was put on the rack, for officious interference.† Thus at last was the whole body of the Irish Catholic nobility and gentry compelled, for self-preservation, to unite in a regular system of defence : which to this day is most unwarrantably and unjustly styled, an odious and unnatural rebellion. Nothing can so emphatically demon-

sent together with 1100 indictments, against persons of property in that province, to have them settled by crown lawyers, and returned to him : and so says he, “ *if the house please* to direct to have them all proceeded against to “outlawry, whereby his majesty may be entitled to their lands and possessions, “which I dare boldly affirm, was, at the beginning of this insurrection, not of “so little yearly value as 200,000*l.*” This Earl of Corke was notorious during the two preceding reigns, for his rapacity ; but this last effort he called the *work of works*. In Dublin, many were put to the rack, in order to extort confessions : and in the short space of two days, upwards of 4000 indictments were found against landholders, and other men of property, in Leinster. And numerous are the letters of Lord Clanrickard to Ormond, and others, complaining of similar attempts to raise Connaught into rebellion, even by Ormond’s own troops.

\* Vide Appendix, No. XXV.

† Lord Castlehaven escaped out of prison, or probably would have undergone the same fate as Sir John Read.

strate the grounds and principles, upon which they associated on this occasion, as the oath of confederacy, by which they bound themselves to each other: it is expressive of unqualified allegiance to the king, and contains an undertaking with life, power, and estate, to support and defend the royal person, honours, estates, dignities, and prerogatives, against all impugnors, thereof, &c. ;\* which certainly savours more of royalism than rebellion.† It must indeed be acknowledged, that if England had been as early, sincere, and zealous in resisting the usurpation of these parliamentary regicides as the Irish Catholics, the catastrophe of Charles, with all its consequences, would have been avoided.

The king, considering the circumstances of this general confederacy of the Catholics of Ireland, signed a commission on the 14th of January, 1642, directed to the Marquis of Ormond, the Earls of Clanrickard and Roscommon, Viscount Moore, Sir Thomas Lucas, Sir Maurice Eustace, and Thomas Bourke, Esq. to meet the principal confederates (who had petitioned his majesty to listen to their grievances) to receive in writing, what they had to say or propound. The Marquis of Ormond was a man of personal intrepidity, some military knowledge, and very extensive ambition; imperious, haughty, vindictive, and impatient of control: he was so implacable to the Catholics, that in his hatred to them, he not only contravened the commands and wishes of his royal master, but basely descended to execute the sanguinary orders of his determined enemies.‡ So in lieu

\* Vide the form of oath, Appendix, No. XXVI.

† Beyond the public notoriety of the conduct of the Catholics, if any one seek further proofs, at least of their conviction that they were acting loyally, let him read Clanrickard's letter to the king, in which he vouches for the general conviction and loyal disposition of his countrymen. The letter being very illustrative of the spirit and circumstances of these times, is given in the Appendix, No. XXVII. Lord Castlehaven also, amongst other reasons for joining the confederates, alleged the following. "I began to consider the condition of the kingdom, as that the state did chiefly consist of men of mean birth and quality, that most of them steered by the influence and power of those who were in arms against the king, that they had by cruel massacreing, hanging, and torturing, been the slaughter of thousands of innocent men, women, and children, better subjects than themselves; that they by all their actions shewed that they looked at nothing but the extirpation of the nation, the destruction of monarchy, and, by the utter suppression of the ancient Catholic religion, to settle and establish Puritanism. *To these I could be no traitor.*" Des. Cur. H. 2. vol. p. 132 This is confirmed by the answer of the confederated Catholics, to commissioners sent from the justices, who in their commission had used the term *odious rebellion*; amongst other things, they say: "We take God to witness, there are no limits set to the scorn and infamy that are cast upon us; and we will be in the esteem of loyal subjects or die to a man."

‡ It was well known to Ormond, that this committee was sent from the English parliament against the king's express commands. On his way, Ormond took the castle of Timolin, which, after an obstinate resistance, surrendered: and although he had promised quarter to the garrison for heir



of complying with the pacific orders of this commission, he preferred the injunction of a committee\* from the English parliament, to march with an army of 5500 foot and 500 horse, towards Ross. In this expedition, near 1000 of his countrymen lost their lives. He was the only one of the commissioners who did not attend the confederates at Trim; where they delivered to the rest of the king's commissioners, a very full remonstrance of all their grievances, which was accepted, and by them transmitted over to his majesty.†

In consequence of this remonstrance, which it appears strongly affected the king, his majesty informed the lords justices, that he had authorized the Marquis of Ormond to treat with his Irish subjects, who had taken arms, for a cessation of hostilities for one year: "which as it was a service of very great concernment to his majesty, and his present affairs in both kingdoms, so he willed and commanded, that they would therein give the most effectual assistance and furtherance to advance the same by their industry and endeavours as there should be occasion." Sir William Parsons was superseded, indicted for high crimes, misdemeanors and treasonable practices, and particularly for having been the principal opposer of the cessation. A new commission was issued to Sir John Borlase and Sir Henry Tichborne, to be lords justices. The latter was expressly appointed, as being considered to favour the cessation. Ormond, as I have before observed, uniformly gave into every measure that could frustrate the designs, or weaken the power of the Catholic party. He was appointed after many delays, and a second command from the king, (the first having been disobeyed) by the lords justices to meet the commissioners of the Catholic confederates, at Castle Martin, on the 23d of June, 1642. Here he gave unequivocal proofs of his sanguinary disposition towards his Catholic countrymen, and of the little deference he paid to the commands and most earnest wishes of his royal master, when they crossed the views either of his ambition or revenge. The day before he set out upon this reluctant and painful commission for negotiating the cessation of arms,

gallant defence, yet he suffered them all to a man to be butchered in cold blood, after they had surrendered their arms. And on the very day on which the other commissioners received the remonstrance from the Catholics at Trim (viz. the 17th of March, 1642), he attacked and routed the forces of General Preston, and killed 500 of them. Blood and devastation marked his progress to and from Ross.

\* "This committee consisted of *Reynolds* and *Goodwyn* sent over by the English House of Commons, were settled at Dublin, and they took upon them the direction of all public affairs: they were allowed by the lords justices, without any leave from the king, to sit in privy council; and their opinion governed the whole board." *Warn. p. 231.*

† For this curious and authentic document, vide Appendix, No. XXVIII.

which the king had twice peremptorily commanded, he summoned before the council board some of the most substantial citizens of Dublin of the Protestant party, and delivered to them a written proposal, that if 10,000*l.* might be raised, the one half in money, the other in victuals, and to be brought in within a fortnight, he would in that case proceed with the war, endeavour to take Wexford, and break off the treaty for the cessation. This disloyal opposition made to the king's wishes and commands by Ormond, is placed in a more striking view by the narrative of Sir Henry Tichborne,\* one of the new justices, then present at the council, than by the words or representations of any other cotemporary or modern writer. In his history of the siege of Drogheda, he tells us, that "the cessation intended" "was so disagreeable to the Irish privy council, that most of" "them desired to run any fortune and extremity of famishing" "rather than yield unto it. And I moved the board (there being twenty-one counsellors present), that every one for himself, out of his peculiar means and credit, should procure 300*l.*" "which amongst them all would raise 6300*l.*; for even with that" "he, (Ormond) offered to undertake the work, and that there" "should be no further mention of a cessation amongst them." "But this motion of mine finding no place, the cessation began" "to be treated on, and was in sincerity of heart as much hindered and delayed by me as was in my power." I have judged it necessary to say thus much of Ormond's conduct towards his king and country, in order that the principal part which he performed in the tragic scenes of Irish troubles may appear in the true light. Ormond used every engine to prevent the cessation from taking place: he received the commissioners of the confederates with the most imperious contempt, indignantly calling for the authority by which they appeared; upon which they gave him a copy of the authority they had received from the supreme council of the confederate Catholics at Kilkenny.† He then

\* There must have been something extraordinary in the character of this gentleman. Dr. Leland says (3 vol. p. 202), that he was a man of unexceptionable character, and zealously devoted to the king's service. He continued, however, to serve under Cromwell: and yet in 1666 the commons voted an address to the Duke of Ormond, in which they prayed, that in consideration of Sir Henry Tichborne's many and great services during the rebellion of 1641, some extraordinary mark of favour should be placed upon him, so as to deliver over to posterity the gracious sense which his majesty had of his sufferings and services, and the grateful memory which the house retained thereof. 2 *Com. Jour.* We shall have occasion hereafter to remark this mysterious favour to the Cromwellians. Sir Henry appears to have written with the blunt frankness of a soldier; not even palliating his own misconduct.

† This authority is to be seen in the Appendix, No. XXIX. It is an additional proof, that the confederates or only professed themselves, in defiance of all obloquy and calumny, as faithful to the king; which appears again more pointedly in the answer they sent to the lords justices and council, who in the transaction of treating for the exchange of a prisoner, had used the words *rebels*, highly resenting this insult upon their loyalty.

took occasion to contest their title, and question the facts presumed or referred to in their authority; and peremptorily rejected the condition insisted upon by the confederates, of the dissolution of the present, and the calling of a new parliament; although the king had, in a letter of the 2d of July, 1643, to the lords justices and the Marquis of Ormond, authorizing them to conclude this cessation with the confederates, expressly commanded them to assure the Irish in his name, that he was graciously inclined to dissolve the present parliament, and call a new one between that and the 10th of November following. But it seems that Ormond was as determined in his disobedience to all his majesty's commands that tended to relieve his Catholic subjects of Ireland, as the staunchest parliamentarian of that day.\* By these contrivances, the cessation was suspended; and it was not until the fifth letter† from his majesty to Ormond (viz. on the 7th of September, 1643), that his most pressing commands upon this subject were ultimately submitted to.

Notwithstanding Ormond's detestation of the Catholics, he was no less than his royal master most strongly convinced of their immoveable loyalty and zealous attachment to the crown: he exceeded therefore his commission in treating with their commissioners, for a pecuniary supply for that very army with which he had recently committed such cruelties and outrages upon the inhabitants of the pale. He procured from them a voluntary payment of 30,000*l.* and a reinforcement of some thousands of their best men for his majesty's army in Scotland, who afterwards proved an honour to their nation, and rendered essential service to the royal cause. Both Leland and Warner, the avowed encomiasts of Ormond, prove, to demonstration, the personal opposition he constantly made to the cessation, in despite of the will and commands of the king; for pending the treaty, which it evidently was his duty to conclude not by the sword, but by negotiating, he is represented as attributing the

"WE do not know to whom this certificate is directed; for we avow ourselves in all our actions to be his majesty's loyal subjects. Neither shall it be safe hereafter, for any messenger to bring any paper to us, containing other language than such as suits with our duty, and the affections we bear to his majesty's service. Wherein some may pretend, but none shall have more real desires, to further his majesty's interests, than his majesty's loyal and obedient subjects.

Signed, "MOUNTGARRETT,  
"MUSKERRY," &c.

\* So determinately bent was Ormond upon preventing this cessation, that he sent Sir Philip Percival to England to oppose it; and he did oppose it with such virulence, that Sir George Ratcliffe told the Marquis of Ormond on that occasion, that had he not been recommended by his lordship, he would have passed at court for a round head: and he did in fact soon after join the English rebels.

† These different letters, which shew the king's eagerness for the peace, are to be seen in the Appendix, No. XXX.



confidence of the commissioners in treating, to the prosperous situation of their army, and is made to conclude, that\* “any advantage gained by the king’s forces must abate their pride: he therefore determined to suspend his negotiation, and, if possible, to force Preston to an engagement. This general cautiously retired before him. Orinond was not sufficiently provided to pursue him: the dread of famine soon forced him to lead his army back to Dublin: abundantly convinced by this experiment, that the army and Protestant subjects of Ireland were to be rescued from destruction only by a cessation of hostilities.....† The king was impatient for this event: he renewed his orders and instructions for a cessation: he now deemed it necessary to shew some condescension to the Irish confederates: he expressed an inclination to call a new parliament in Ireland, and to permit their agents to treat with him on this business, and whatever else might conduce to a just, honourable, and perfect peace. To terrify and confound all opposition to his favourite scheme, Parsons, Temple, Loftus, Meredith, the great partisans of the English parliament, were accused of high crimes and misdemeanors, and by his order committed to close custody.” Whatever dupes or victims the Irish were at this time made to the selfishness or intrigues of the king or his servants, nothing certainly can rob them of the merit of returning harshness, severity and deceit, with unparalleled duty, attachment and loyalty to their sovereign, who then intended to make peace with them, as Warner informs us, “not out of any favour, or to shew countenance to them, as some of his enemies suggested, and others believed, but to strengthen himself against the parliament with the Irish army.” If King Charles, in the distressful situation of his affairs in England and Scotland, could so inhumanly wanton in the ungrateful principles of his family, as to reward the most unshaken and persevering loyalty of his Irish subjects, by persecuting them at home, and drawing their blood and treasure for his own purposes abroad, we shall be little surprised at the false and double part he continued to play upon them during the remainder of his life. The plain disclosure of truth is a debt of justice which the faithful historian is called upon to acknowledge and discharge to the Irish nation, not only to shield her from the shafts of malevolence and envy, but more particularly to inspire Great Britain with plenary confidence, that the loyalty, zeal, and fidelity of that nation, with which she has united, are not to be withdrawn from the British sovereign by seduction, menace, treachery, or invasion foreign or domestic.

\* 3 *Lel.* p. 206.† *Ibid.* p. 207.

Scarcely was the treaty for the cessation signed, ere it was formally rejected by the Northern army, which as well as the rest of the king's forces in Ireland, was under the command of Ormond. This was immediately followed up by their taking the covenant;\* and even such of the English army as had formally acceded to the cessation, offered their services to follow Monroe, whenever he should march against the Irish. About the same time, Lord Inchiquin openly revolted against the King, by accepting the presidency of Munster from the parliament, in which province there were no bounds to his cruelty: he caused to be administered to each of his followers, an oath for the extirpation of Popery and extermination of the Irish. The cessation was considered by the parliament of England as so destructive of the Protestant interest, that they immediately made a declaration against it: in answer to which, his majesty published, *The Grounds and Motives of the Cessation*, for which he says, "there was an absolute necessity, as preparatory to "a peace; which nevertheless he would never admit, unless it "were such a peace as might be agreeable to conscience, honour, "and justice." The confederates sent over so many and such seasonable supplies to the king, and these Irish troops behaved with so much zeal and valour in the royal cause, that the English parliament on the 24th of October, 1644, published this bloody ordinance, "that no quarter should be given to any Irishman or "Papist born in Ireland, that should be taken in hostility against "the parliament, either upon the sea or in England or Wales." The hostilities after this daily committed on the confederates by Monroe in Ulster, Sir Charles Coote in Connaught, and Lord Inchiquin in Munster, in breach of the cessation, drove them to present a strong petition to the Marquis of Ormond, now made lord lieutenant of Ireland, either that he would put himself at their head, or permit them to employ their forces against those, who, by violating the armistice, had avowed themselves open enemies to his majesty.† But the inveteracy of the lord lieutenant against the Catholics, prevented him from seconding what he knew to be the interest, the wish, and the

\* The English parliament sent Owen O'Conolly, who had received the commission of a captain, and a pension for having been the first informer of the grand rebellion, to press the covenant upon the army; and the fruits of his mission were most rapid and extensive: for immediately upon his landing all the Scotch and most of the English officers of the northern army took the covenant: Carte indeed informs us, that Ormond had it in command from his majesty to send down a proclamation to all the colonels to forbid it, but they would not publish it for fear of Monroe, as they alleged. Captain Conolly soon joined the parliamentary rebels and was by them promoted to a colonelcy.

† Lord Digby in a letter to Ormond frankly admits on this occasion that it was understood, that if the Scots submitted not to the cessation, "they then "should be declared against as open enemies." (Cart. Orm. vol. 3. p. 346.)

commands of his royal master, because his compliance or obedience would have promoted the welfare of the Catholics. For although on this occasion he confessed that by accepting the command of the army of the confederates "he might have drawn their dependance upon him, and been able to dispose of their forces according to his majesty's pleasure for the advantage of the service either in Ireland or elsewhere;"\* yet he declined putting himself at their head for this reason, that he should† in that "case be suddenly and totally abandoned by the Protestants." An unequivocal test of the loyalty of the Irish nation to King Charles. The great question upon this part of the Irish history is, whether the confederated Catholics were at this period rebels or royalists. His majesty anxiously wished his Catholic subjects of Ireland to be fully admitted into his favour and protection, as placing the utmost reliance upon their fidelity and zeal to serve him. The testimony of their sovereign on this occasion goes great lengths. He had not only by several letters strongly recommended to Ormond, but strictly commanded him to *conclude a peace with his Irish Subjects, whatever it cost.*‡ And yet the virulence of this imperious governor, who commanded an uncommon sway over his royal master, against his Catholic countrymen, was such, that for three or four years he artfully contrived to delay the peace, notwithstanding the king's most pressing and positive commands, until it were rendered unavailing by the cessation of the exercise of the royal authority after the imprisonment of his majesty's person in the year 1646.

Whatever allowances may be made to the pressure of distress and calamity, historical justice is a debt due to nations; for which delicacy even to a crowned head is no discharge. The Irish were openly, sincerely, and determinately attached to the cause of their sovereign: of this their sovereign was sensible: though according to the principle of his family, he sacrificed their affection and loyalty, to the intrigues of his open and secret enemies. The king had full reliance upon the fidelity of his Catholic subjects of Ireland: and at that time depended more upon their succours and subsidies, than upon those of any other of his subjects: he was fully apprized of the prejudices of Ormond against their religion;§ and rather than assume a manly and

\* Carte Orm. 3 vol. p. 322.

† Ibid. p. 322. "If says he, I take the charge of their army upon me, or denounce immediately an offensive war against the Scots, not ten Protestants will follow me, but rather rise as one man and adhere to the Scots."

‡ Vide the several different letters from the king to Ormond upon this subject, App. No. XXX.

§ Ormond made no secret of this detestation of Popery either to the king or his servants: in a letter to Lord Digby, (C. Orm. 3 v. p. 534) he says:



candid line of conduct towards them, descended to debase the royal character, by duplicity and an unconstitutional stretch of the royal prerogative. That the king knew, and was satisfied with the end for which his Catholic subjects had confederated, cannot be questioned : for on the 12th of March 1643, he wrote to Ormond concerning the *very eminent good service* of Antrim, and Daniel O'Neile, two powerful Catholics in the North : “ only one thing I thought necessary earnestly to give you in charge myself : which is, that you will unite yourself in a strict and entire correspondence with Antrim, and contribute all your power to further him in those services, which he hath undertaken ; for I find that almost that whole kingdom is so much divided betwixt your two interests, that if you join in the ways, as well as *in the end for my service*, you will meet with small difficulties there, which I no way doubt, being thus recommended by your assured friend, Charles R.” Neither can it be doubted, but that the king wished and endeavoured to support and strengthen the confederacy of his Catholic subjects in Ireland, which evidently clears them of all possible guilt of rebellion or treason against their Sovereign. What posterity may judge from the king's conduct, is for those to determine who may know what it really was. The king having nothing more at heart, than peace with, and assistance from his Catholic subjects, whom he now alone confided in, adopted two measures, by which they were deluded, his Protestant subjects deceived, and his own interest considerably weakened.

Thwarted and provoked as Charles was at the inexorable firmness of Ormond, in resisting, neglecting, or counteracting all his efforts and wishes to ingratiate himself with the confederated Catholics, yet he had the weakness to encourage Ormond, whom he thought agreeable to the Protestant interest, even in the very acts of resistance and disobedience to his own commands. He even attempted to make him the vehicle of communicating to them the unconstitutional resolution of dispensing with all the penal laws against the Catholics, till they should be abrogated and repealed by parliament.\* “ A peace

“ one thing I shall beseech you to be careful of, which is to take order, that what shall be directed to me touching these people (the Catholic confederates) if any be, thwart not the grounds I have laid to myself in point of religion : for in that, and in that only, I shall resort to the liberty left to a subject, to obey by suffering.” The king's letters to Ormond shew how much hurt his majesty was by this disobedience of Ormond : they rise gradually from recommendation, to anxious pressing, to positive and peevish commands. *I command you to conclude a peace with the Irish, cost what it may. And lastly—I absolutely command you without reply, to execute the directions I sent you on the 27th of February last : which were to make peace even without the council.* C. O. 3 v. p. 431.

\* The Lord Chief Justice Herbert and others, who wrote in support of the royal prerogative of dispensing with penal statutes, contended only for it in

“ with the Irish is most necessary for my affairs in England,  
 “ wherefore I command you to dispatch it out of hand.  
 “ And I do hereby promise them, and command you to see it  
 “ done, that the penal laws against the Roman Catholics shall  
 “ not be put in execution, the peace being made, and they re-  
 “ maining in due obedience. And further, when the Irish give  
 “ me that assistance, which they have promised, for the sup-  
 “ pression of this rebellion, and I shall be restored to my rights,  
 “ I will consent to the repeal of them by a law.”\* In another  
 letter written to the lord lieutenant within ten days, the king  
 ascended to the most imperative tone, “ I do therefore com-  
 “ mand you to conclude a peace with the Irish, whatever it  
 “ cost: though I leave the management of this great and neces-  
 “ sary work *entirely to you*.”† Ormond appears so well satis-  
 fied with disobeying these commands of his royal master, that  
 he boasted in a letter to the king, “ that‡ he treated with these  
 “ commissioners in such a manner and gave them such answers  
 “ as might let them conjecture he had directions to the con-  
 “ trary.”§ He attributed his pertinacity in endeavouring to re-  
 new the war, in lieu of making peace, to the inflexible reso-  
 lution of the council in Ireland never to treat with the confede-  
 rates, although he had in the preceding December received  
 unlimited power from his majesty (who foresaw the difficulties  
 that would arise from that quarter) “ to sequester from the  
 “ council board such members of it as he did not approve of.”  
 Nay, it will even be found by those who look impartially into  
 the authentic annals of those days, that Ormond was at that  
 time negotiating a treaty with the rebellious army of the Scots  
 in Ulster to join his forces in renewing hostilities against the  
 confederates.

The king being fearful, that the harshness of Ormond to-  
 wards the Catholics, and his inflexible reluctance to obey any  
 commands favourable to them, should alienate their attachment  
 to the royal cause, endeavoured to effect by the secret influence  
 of his authority over those, who ever respected it, what the in-  
 sincerity of his character prevented him from openly avowing.  
 King Charles in his troubles, had experienced the most promi-  
 nent zeal and signal support from the Marquis of Worcester,

particular cases: and such certainly was the ancient prerogative of the crown,  
 though most wisely abridged at the revolution. But this was an attempt to  
 counteract the whole statute law by royal proclamation, which no other so-  
 vereign had ever pretended to.

\* Let. to Orm. on the 18th of February 1644. 3. C. Orm.

† Ibid. Let. of February 1644.

‡ Ibid.

§ The confederates were apprized of his majesty's commands to Ormond,  
 by their agents Lord Taafe, Mr. Burke, and Mr. Brent, who then were with  
 the king.

who had expended above 150,000*l.* (an immense sum in those days) of his personal fortune in raising and maintaining 1500 foot, and 500 horse at his own expence. That family was then Catholic : and the king placed an extraordinary confidence in the fidelity and the zeal of his eldest son Edward Somerset, Lord Herbert, whom he created Earl of Glamorgan. Being of the same religion as the Catholic confederates, his majesty undertook to avail himself of the influence, which he conceived this circumstance coupled with his connections in Ireland (he was married to Lady Margaret O'Bryen, daughter of the Earl of Thomond) must naturally give him, as early as the 1st of April, 1644, granted him a patent\* of very extraordinary powers, which seemed to be especially calculated to overawe or counteract the powers of Ormond, which the king thought proper to continue, though he evidently mistrusted the use, which Ormond would make of them. In about ten months from the granting of this patent, viz. on the 6th of January 1644,† the king granted a commission under the great seal to the Earl of Glamorgan for levying any number of men in Ireland, and other parts beyond seas, commanding them, putting officers over them, making governors in forts and towns, giving him powers to receive the king's rents, &c. This was again followed up by two other commissions for extending and enlarging his powers, *even avowedly beyond the law* ; should circumstances call upon him to use a vigour of that nature : and to do that, in which his lieutenant could not so well be seen, as not fit for his majesty then publicly to own. In these he pledged the honour of a king and a Christian, to ratify whatever Glamorgan should think fit to grant to the confederates under his hand and seal : the said confederate Catholics having, said he, "*by their supplicies testified their zeal to our service.*"‡ If then the confederates were thus eminently acknowledged by their sovereign to be zealously engaged in his cause, the succour, aids, and assistance, which they endeavoured under the existing circumstances to draw from the King of Spain, the court of Rome, or afterwards from the Duke of Lorrain, cannot evidently be laid to the account of a traitorous and rebellious disposition in the Irish against their sovereign, for the king himself both petitioned, and actually received considerable succours from the same quarter.§

\* Vide this patent App. No. XXXI.

† N. B. Old Style.

‡ For the two latter commissions vide App. No. XXXII. Whatever objections may be made to the propriety of these grants on behalf of the crown, they prove beyond question that the Irish Catholic confederates were properly at least now termed *royalists*—but *Quidquid delirant reges plectuntur Achivi.*

§ This fully appears from the king's letter to the Archbishop of Ferns dated from Oxford, April 30th, 1645 : and also from a letter from Cardinal Pam-



Still were these confederates made the dupes and victims of the duplicity of Charles, redoubled upon them by the malevolent intrigues of Ormond, who on this occasion professed loyalty, whilst he practised disobedience to his royal master, and pretended a confidence in Glamorgan and the confederates, whilst he was planning the ruin of both. The confederates were, through the insinuations of Ormond, prevailed upon (though against the advice of the pope's agent and nuncio) to make peace *publicly* with the Marquis of Ormond, and *privately* with the Earl of Glamorgan, disjoining the *religious* from the *political* articles. The letter, which Ormond had written to Lord Muskerry\* expressive of his readiness to concur with Glamorgan in every thing, which the latter should undertake for his majesty's service, was considered by the confederates at large as a solemn pledge on behalf of the king's lieutenant, †“ and was delivered “ to the nuncio by the supreme council of Kilkenny as a proof, “ that the Marquis of Ormond would support the agreement, “ which had been, or should be made between them and the “ Earl of Glamorgan, though the marquis afterwards disappointed their expectations.” The general assembly of the confederates which met at Kilkenny on the 6th of March, 1645....6, dispatched Lord Muskerry and other commissioners to Dublin, publicly to conclude the peace with the Marquis of Ormond, and it was accordingly concluded on the 28th of the same month, 1646. But the *secret* treaty had been concluded with the Earl of Glamorgan on the 25th of the preceding month of August; the conditions of which chiefly related to the toleration of the Catholic religion, and the sending over subsidies to the king in England.‡ It happened in the mean time, that the particulars of this secret treaty became public,§ and Ormond jointly with Lord Digby, although they well knew the commission and authority, under which Glamorgan acted, had him indicted of high treason for forging or surreptitiously obtaining these very commissions, and his person was immediately committed to close custody. The discovery was instantly reported

philio to the queen at Paris, accompanied by a brief from the pope to the like purport, dated March the 2d, 1645. For the two letters vide App. No. XXXIII.

\* See Ormond's letter to Lord Muskerry dated on the 12th of August, 1645, Appendix, No. XXXIV.

† An Enquiry into the Share which Charles I. had in the Transactions of the Earl of Glamorgan: p. 64.

‡ As it may be interesting to the reader to see how far the king rendered his royal faith, word, and authority, subservient to his interest and wishes, I have given the preamble to the treaty, together with the conditions of it, in the App. No. XXXV.

§ They were found upon the titular archbishop of Tuam, who was accidentally killed by the parliamentary rebels before Sligo, who, together with some of Ormond's forces, were in open hostility notwithstanding the cessation and the then pending treaty for peace.

to parliament, and Charles basely protested *upon the word of a king and a Christian*, that he had never given to the Earl of Glamorgan those commissions and powers, which he was then known by many, and now is known by all, to have repeatedly given. This colourable commitment of Glamorgan was not of long duration : he was discharged upon his own and the Earl of Kildare's recognisance ; the confederates having peremptorily insisted upon breaking off the treaty for peace, until he should be discharged.\* Little can it be wondered at, that the confederated Irish, after having been thus deluded and betrayed by their sovereign, should in their subsequent negotiations require some more stable security for the performance of articles agreed to, than the word of a monarch so frequently violated in their regard. Under these circumstances, a very serious ground of difference, if not dissension arose amongst them, which retarded the conclusion of the peace, and greatly weakened their power : this internal division of the Catholics was most actively fomented by Ormond. The nuncio and a considerable party of the confederates objected against the conclusion of any peace, which had *future* concession for its basis : but there was no limitation to the confidence which the majority of them still placed in *the promises of the king* and his lieutenant. Nevertheless, however divided they were upon this and some other less important points, they all unanimously to the last adhered with inviolable attachment staunch to the royal cause.† Whereas Ormond not only resisted their pressing solicitations to lead them against the king's enemies, but the urgent importunities of his friend Lord Clanrickard, to place himself at the head of the confederates and immediately proceed against Sir Charles Coote, and the other parliamentary rebels, who were daily violating the cessation, and committing the most barbarous hostilities against

\* Few instances of more Machiavilian policy occur in history, than in the conduct of Ormond, excepting that he never completely dissimulated his execration of the Catholics. Dr. Leland frankly admits, that notwithstanding this colourable commitment, Ormond continued to regard Glamorgan as really entrusted by the king, and empowered to negotiate in his name. In proof of this he favours us with the letter written to the Earl of Glamorgan soon after his discharge, the original of which he had in his possession. (Vide App. No. XXXVI.) The same author adds, that both Ormond and Digby always regarded Glamorgan "as duly authorized by the king: and treated and addressed him as a person still enjoying the royal favour and confidence. And that he did still enjoy them in a very high degree, there is direct and positive proof in those letters extant amongst the Harleian manuscripts, in which Charles assures him of the continuance of his friendship, and promises to *make good all his instructions and promises to him and the nuncio.*" (3 Lel. 283, 4, 5.) Vide some of these letters in Appendix, No. XXXVII.

† With reason then did King Charles express himself in a letter to Ormond only two days before the peace was concluded, that if the kingdom of Ireland were in perfect obedience, "it is possible it may please God to restore me to the other two, or be a safe retreat for myself." (C. O. 3 vol. p. 451.)

the adherents to the royal cause : and finally even delivered up his sword, the castle, and king's authority to the commissioners of the parliamentary rebels.\* In this disgraceful negotiation with parliament, Ormond acted with full reflection, and with the most interested views to his own domestic concerns ; having stipulated with them for the price of his base surrender, viz. 5000*l.* in hand, 2000*l.* a year for five years successively, and a total release and discharge of all incumbrances upon his estates (which were very heavy) up to the time of the insurrection..... The spirit and motive with which he thus infamously betrayed the trust and authority of his royal master, appear more fully from the conduct of the Irish parliament, which was then sitting, towards him. Both houses addressed to him a vote of thanks for his excellency's treaty with the English rebels : in which they set forth, that his proceedings therein being such a free earnest of his excellency's love to their religion, nation and both houses, did incite them to come unto him with hearts filled with his love, and tongues declaring how much they were obliged unto his excellency. And that in order to perpetuate unto posterity the memory of his excellency's merits, and their thankfulness, they had appointed that instrument to be entered into both houses, and under the hands of both speakers to be presented to his lordship. To which address his excellency answered, that this acknowledgment of theirs was unto him a jewel of very great value, which he should lay up amongst his choicest treasures : it being an antidote against the virulency of those tongues and pens, he was well assured would be busily set to work to traduce and blast the integrity of his present proceeding for their preservation.† Soon after these parliamentary compliments

\* He had previously boasted to Colonel Leyburne who had come over with a confidential commissioner from the king, " that if there should be a necessity, he would give up those places under his command to the English rather than the Irish rebels, of which opinion he thought every good Englishman " was." Immediately before Ormond delivered up the sword to the parliament commissioners, Alderman Smith, then Mayor of Dublin, aged near eighty years, a man of great integrity and loyalty, came to the council table, and acquainted my lord of Ormond, that it was generally reported in town, and spread so far as no man doubted it, that his excellency intended to deliver up the government to the parliament : that he came to acquaint his lordship, that himself was entrusted with the king's sword of the city, and that he would not resign it to rebels. Whereupon my lord of Ormond gave him some check and ordered him to withdraw : but upon further consideration his lordship and the council thought fit to call him in again, and to commend him for the resolution he had shewn in maintaining his majesty's authority : and withal read a letter from his majesty requiring the lord lieutenant to deliver up the sword to the commissioners empowered by the parliament of England : whereupon he said he would submit. (St. Let. from the Earl of Essex, p. 344.) To cover the turpitude of his own conduct, Ormond thus imposed upon the lord mayor of Dublin, by reading either a forged or a forced letter from his majesty, for had it been real he would have pleaded it in his own justification.

† Com. Journ. of Ireland.



had passed between the Irish houses of lords and commons, and their lord lieutenant, his lordship was ignominiously expelled from the castle, sooner than he intended to quit it, by the English committee, and forced to transport himself to England.\*

In this decline of the king's affairs the confederated Catholics met again at Kilkenny, where they took into consideration, that his majesty was in restraint, that all addresses to him were forbidden, and that some members of parliament who had ventured to speak in his favour, were expelled, "therefore in that extremity," as they express themselves, "there being no access to his majesty for imploring either his justice or mercy, all laws either human or divine did allow the said Catholics to take some other course, in order to their defence and preservation: not against his sacred majesty, but against those, who had laid violent hands on his person, who designed to abolish the royal authority, and resolved to destroy or extirpate the said Catholics."†

Ormond, to whose ambitious and self-interested views there were no bounds, having been thus indignantly forced from his favourite seat of power into exile by the enemies of his royal master, whom he had hitherto most basely favoured and courted, and wishing to use the unshaken loyalty and severely tried attachment of the king's firmest and best friends, as the instruments of his own revenge, dissembled for the moment his implacable rancour to his Catholic countrymen, and affected with unqualified reserve to place the depending fate of his royal master in their exertions. He landed at Cork on the 29th of September 1648, and notwithstanding his insulting, harsh and perfidious conduct towards the confederates, and his mercenary treachery in surrendering the royal dignity to the parliamentary rebels, he was received with universal acclamation, and invited by the general assembly at Kilkenny to conclude a peace, and earnestly join with the nation at large in making head against the parliamentary rebels, who by their principles were generally engaged, and by the covenant were particularly sworn, to destroy monarchy, abolish the hierarchy and extirpate the Catholic religion. He was received in triumph at Kilkenny on the 28th of October 1648, having been met at some distance from the town by the whole body of the assembly and by all the nobility and gentry in the neighbourhood: he was received in the town by the mayor and aldermen with all the honours,

\* Before his departure the confederates again pressed him (but in vain) to put himself at their head in support of the royal cause: he had scarcely arrived in England, when he was forced to fly to France, having been informed that a warrant had issued for apprehending his person from the very persons to whom he had made the base and mercenary surrender of his high trust, dignity and power in Ireland.

† Walsh's Reply to a Person of Quality.

ceremony and etiquette, which such corporate bodies usually shew to the supreme authority in the kingdom, and he was lodged in his own castle with his own guards about him. Still did Ormond pertinaciously persevere in rejecting every condition of peace proposed by the confederates that related to a toleration of the Catholic religion and the repeal of any of the penal laws. During this protraction of the peace, the treaty was interrupted by the open defection of Inchiquin's army and their declaration against the king: Ormond had ever been intimate with this nobleman, and he now took the occasion of suspending the definitive treaty, under the pretext of giving satisfaction to Inchiquin and his leading officers. Notwithstanding the confederates well knew the instructions, which the king had given to Ormond respecting the free exercise of their religion, yet to the end he suppressed the extent of his powers; and absolutely refused ultimately to allow, what he well knew his majesty had most solemnly pledged himself to grant: and he immediately after boasted in a letter to Sir Charles Coote, “\*that the advantages, which the Romish professors are supposed to have in point of religion or authority, are no other but pledges from his majesty's confirmation of the other concessions, and are to determine therewith.”

We have seen how earnestly the king had long wished for and how peremptorily he had commanded Ormond to make peace with the confederates. The consequences therefore, which ensued the protractions of that event, evidently lay at his door, who caused the delays: it was only concluded on the 17th of January 1648, a fortnight before the tragical end of that unfortunate monarch. And Carte observes, that “†the news of the conclusion of this peace did not reach England soon enough to deter the execrable authors of the murder of their king from perpetrating a villany, which how long soever they had intended it, they durst not attempt to execute, till they thought themselves secure of impunity by being absolute masters of Great Britain without any considerable force in any part of these nations to oppose their measures or take vengeance on their crimes.” Had Ormond been actuated by any sense of the welfare of the state, by any regard to the preservation of the constitution, by any zeal for the support of his own religion, by any real attachment or even common loyalty to his sovereign, he could not have boasted as he did. “‡ And yet those articles were not condescended unto, till all hopes of the treaty then on foot in England between the king and the parliament were overpassed, and the army were not ashamed to proclaim

\* 2 Vol. Cart. Orm. p. 52.

† Ibid.

‡ 2 Orm. 2 vol. p. 52.

“ their purpose to commit an horrid and execrable murder and  
 “ parricide on the sacred person of his majesty. This (says he)  
 “ we mention not as thereby in the least degree to invalidate any  
 “ of the concessions made unto this people, but on the contrary  
 “ to render them in every point the more sacred and inviolable,  
 “ by how much the necessity on his majesty’s part for the grant-  
 “ ing thereof is the greater, and the submission on their part to  
 “ his majesty’s authority, in such his great necessity, more op-  
 “ portune and seasonable: as also to call the world (and whom-  
 “ soever either any peace at all or the terms of this peace may  
 “ be distasteful unto) to testify hereafter, that as the full benefit  
 “ thereof cannot without great injustice and somewhat of ingra-  
 “ titude (if we may so speak in the case of his majesty with  
 “ reference to this last act of their’s) be denied unto them, so  
 “ any blame thereof ought to be laid upon those alone, who have  
 “ imposed the said necessity, the saddest to which any king  
 “ was ever reduced.”

Ormond was now reduced to look up to his former power and influence in Ireland through the exertions only of those, whom he had uniformly persecuted and oppressed. What share he assumed to himself of the disasters of his royal master, by having so long deprived him of the assistance of his Catholic subjects cannot be known; but certain it is, that this awful moment of embarrassment was the first, in which he made any avowal honourable or favourable to his Catholic countrymen. Besides the reluctant, ungracious and half-penitent admission of their persevering attachment to the king in his utmost distress, he said in a letter to Lord Digby, that “ I must say for this people, that  
 “ I have observed in them great readiness to comply with what  
 “ I was able to give them, and a very great sense of the king’s  
 “ sad condition.”\* And in another letter of the same date to the prince of Wales, he notices, “ † the very eminent loyalty of  
 “ the assembly, which was not shaken by the success, which  
 “ God had permitted to the monstrous rebellion in England:  
 “ nor by the mischievous practices of the no less malicious  
 “ rebels‡ in Ireland.”

It is no small or unequivocal mark of the eminent loyalty and fidelity of the Irish Catholics, that at Charles’s unfortunate execution, they formed the only compact national body throughout the extent of the British empire, who had preserved untainted and unshaken their faith and attachment to the royal cause, although they had been throughout his reign more oppressed,

\* This was written to Digby on the 22d of January 1648;....within a week of King Charles’s death.

† Letter of the same date.

‡ To these Ormond surrendered his sword for 15000*l*.



persecuted and aggrieved by their sovereign, than any other description of his subjects whatsoever.\* No sooner were the melancholy tidings of the death of Charles I. conveyed to Ormond, who was then at Youghall, than he instantly proclaimed the prince of Wales king by the style of Charles the Second.

\* How little then did they merit the *votum candidum* of our impartial historian Sir Richard Cox? "How gladly would I draw a curtain over the dismal  
"and unhappy 30th of January, wherein the royal father of our country suffered martyrdom! Oh! that I could say, they were Irishmen that did that  
"abominable fact, or that I could justly lay it at the doors of the Papists! But  
"how much soever they might obliquely or designedly contribute to it, 'tis  
"certain it was actually done by others."

## CHAPTER V.

## THE INTERREGNUM AND REIGN OF CHARLES THE SECOND.

IN the first effervescence of the horror, which all conceived of the murder of King Charles, the English and Irish vied with each other, who should be most zealous in their exertions against the parliamentary rebels, whom they now denominated and treated as regicides. To this union were owing the first successful movements of Ormond's campaign in the reduction of most of the strong holds of the northern parts of the kingdom, except Dublin and Londonderry. The pride of Ormond stimulated him above all things to regain the possession of Dublin, which he had by his own base treachery surrendered into the hands of the rebels. But the infamy of his giving it up for base lucre was aggravated by his disgraceful defeat at Rathmines\* by a very inferior force under Michael Jones, the rebel governor of the city. This shameful disaster, coupled with the ready submission of Inchiquin's men, who instantly enlisted in Jones's army, and several other circumstances attending the conduct of Ormond on this occasion, naturally renewed in the Irish their former suspicions, that he had still some secret understanding with the English rebels: and these suspicions were strengthened by the constant failure of all his subsequent undertakings against them.

The new king had explicitly written from the Hague, "that he had received and was extremely well satisfied with the articles of peace with the Irish confederates, and would confirm wholly and entirely all that was contained in them.† Notwithstanding, after his majesty had been proclaimed in Scotland, and had been advised by Ormond to accept of the commissioners' invitation to go over to that kingdom, well knowing that his taking the covenant was to be the previous condition of his being admitted to the throne of Scotland, he took shipping and arrived there on the 23d of June 1650. After having signed both the national and solemn covenant, in the short space of two months, the king published a declaration, "that he would have

\* Rathmines is about three miles from Dublin. Carte says, that 1500 soldiers and 300 officers in this battle were taken prisoners, and about 600 slain, and above half of them within the walls of Dublin after quarter had been given. Most of Inchiquin's men enlisted under Jones, 2 C. Orm. 81. According to Borlase, Ormond, after this shameful defeat, wrote to Jones for a list of his prisoners, who answered, "My lord, since I routed your army, I cannot have the happiness to know where you are, that I may wait upon you."

† Cart. Orig. Let. 2 vol. p. 363 and 367.

“no enemies but the enemies of the covenant: that he did detest and abhor popery, superstition, and idolatry, together with prelacy: resolving not to tolerate, much less to allow those in any part of his dominions, and to endeavour the extirpation thereof to the utmost of his power.” And he expressly pronounced the peace lately made with the Irish and confirmed by himself to be null and void: adding, “that he was convinced in his conscience of the sinfulness and unlawfulness of it, and of his allowing them (the confederates) the liberty of the Popish religion; for which he did from his heart desire to be deeply humbled before the Lord: and for having sought unto such unlawful help for the restoring of him to his throne.” The publication of this declaration necessarily produced the effect, which Ormond himself foretold in a letter to secretary Long,\* namely, “to withdraw this people from their allegiance by insinuating into them a belief, that by his majesty’s having taken or approved of the covenant, they are deprived of the benefit of the peace, and left to the extirpation the covenant proposes both of their religion and persons.”

Whatever party prejudice may allege in charge, commendation, or defence of Ormond (no character was ever more partially represented) historical justice obliges us to aver, that the Catholic confederates (whatever differences had existed amongst them) were unexceptionably† and most zealously devoted to

\* Written from Loughrea the 2d of September 1650: in this letter Ormond grievously complains of the rebellious disposition of all the clergy and Catholic nobility (except Lord Clanrickard) and says that he expected that all who should adhere to him thereafter, would be excommunicated. That all Ireland except Connaught was in the hands of the rebels. C. Orig. Pap. 453.

† In the course of what is called (very improperly) the grand rebellion in Ireland, the only party, which could properly, if at all be called rebels, were the adherents of Phelim O’Nial, who headed the native Irish Catholics in the North, and who, in the confusion and heat of the internal dissensions of the confederates, had been, together with the adherents of the Pope’s nuncio, denounced as traitors against the royal authority, for resisting the peace of 1648, by the supreme council of Kilkenny. This Phelim O’Nial had been constantly charged with having forged a commission from the King, to levy war against the parliamentarians, or English Protestant army in Ireland; for in the beginning of the decline of the power of Charles I. these terms were (by the Irish at least) considered synonymous. In the year 1652, a high court of justice (afterwards called Cromwell’s slaughter-house, from the numbers of bloody sentences pronounced in it) was instituted for trying *rebels and malignants*, which, in the revolutionary language of that day, meant *loyalists and royalists*: and also for the trial of all massacres and murders, committed since the 1st of October, 1641. The regicides brought Phelim O’Nial to trial in this court, hoping, as it appeared from their efforts, to affix upon the late King, the odious stigma of exciting the rebellion: and after his condemnation, they offered him his pardon and restitution of his estate, if he would acknowledge the genuineness of his commission. But Phelim disdained to save his life by a lie, that would have been injurious to that unfortunate prince: but he replied aloud, that in order to draw the people unto him (who were therefore loyal in their disposition) he took an old seal from a deed, and



the royal cause, in direct opposition to the rebellious regicides ; that Ormond well knew the extraordinary fidelity of his Irish army, by acknowledging to his Majesty, that many of the soldiers had starved by their arms, *and he could persuade one half of his army to starve outright* ; that after the disgrace at Rathmines, Ormond never engaged, in person, Cromwell, Ireton, or Jones ; that in a very short time after the death of the late King, all Ireland, except the province of Connaught, was under the power of the rebels ; that Sir Charles Coote (afterwards Lord Montrath) and Lord Broghill (afterwards Earl of Orrery) with the forces under their commands, and the whole Protestant army of the North, went over to the rebels ; that when the royal cause had under his administration, become desperate and defenceless, he abandoned it in its agony, and secured his own personal safety, a second time, by flight ; that before his departure, he greatly strengthened the rebel power, by\* “ permitting, as the Earl of Orrery expressed it, all those “ worthy Protestants, who till then had served him, to come “ off to the rest of the Protestants, though then headed by Ireton “ himself, esteeming them safer by that real regicide,† so ac-

put it to a forged commission, in order to persuade them that what he did was by royal authority. But that he never had any real commission from the King. The bishop of Kilmore assured Mr. Carte, that he was present at the execution, and heard this from the mouth of O’Nial.

\* Answer to Walsh : where he also says, by way of appeal to Ormond himself, “ Certainly he esteemed those less ill, to whom he sent his friends, than those from whom he sent them.”

† The conduct of the leading characters in Ireland, at this critical period of the Irish history, has been uniformly represented in false colours, by all our historians. Not only historical praises, but royal and even legislative rewards have been lavished upon the most forward in the service of the parliament. This Lord Broghill, who was afterwards created Earl of Orrery, acted for some time under the parliament, till shocked at the King’s death, he quitted the service of his regicide masters, and retired to Marston, a country seat he had in Somersetshire. There he formed a design to apply to Charles II. for a commission to act in Ireland for the restoration of the crown, and the recovery of his own property. The account of this Lord Broghill’s devoting himself to the service of Cromwell, taken from his *Panegyrist* rather than *Biographer* (Mem. of the Boyle family, 1737, p. 42.) is submitted to the reader, as a specimen of the affection and loyalty of the Irish Protestants of that day, to the cause of the unfortunate Charles I. “ I have heard a certain “ great man, who knew the world perfectly well, assert, that *a secret was never “ kept by three persons*. His Lordship had entrusted his *secret* to more than “ three ; and the Committee of State, who spared for no money to get proper “ intelligence, being soon made acquainted with his whole design, determined “ to proceed against him with the utmost severity. *Cromwell* was at that time “ General of the Parliament forces, and a Member of the Committee. It is “ allowed by his enemies, that this wonderful man knew every person of great “ abilities in the three kingdoms : he was consequently no stranger to Lord “ Broghill’s merit ; and reflecting that this young nobleman might be of great “ use to him in reducing *Ireland*, he earnestly entreated the Committee, that “ he might have leave to *talk* with him, and endeavour to *gain* him, before “ they proceeded to extremities....Having with great difficulty obtained this “ permission, he immediately dispatched a gentleman to the Lord *Broghill*,

“ companied, than with those pretended antiregicides, so principled ;” that he not only received the before mentioned price

“ who let him know that *the General, his master, intended to wait upon him, if he knew at what hour he would be at leisure.* The Lord Broghill was infinitely surprised at this message, having never had the least acquaintance, or exchanged a single word with *Cromwell.* He therefore told the gentleman, that *he presumed he was mistaken ; and that he was not the person to whom the General had sent him.* The gentleman readily replied, that *he was sent to the Lord Broghill ; and therefore if he was that Lord, that he was sent to him.* His Lordship finding there was no mistake in the delivery of the message, confessed that he was the Lord Broghill : he desired the gentleman to present his humble duty to the General, and to let him know, that *he would not give him the trouble to come to him, but that he himself would wait upon his Excellency, if he knew at what hour it would be most proper for him to do so ; and that in the mean time he would stay at home, to receive his further commands.* The gentleman replied, that *he would return directly and acquaint his General with what his Lordship said.* The Lord Broghill, in the mean time, was under a good deal of concern, at what should be the meaning of this message. He never once suspected that his design was discovered ; but while he was musing in his chamber upon what had passed, and expecting the return of the gentleman, he saw *Cromwell* himself, to his great surprise, enter the room. When some mutual civilities had passed between them, and they were left alone, *Cromwell* told him in few words, that *the Committee of State were apprized of his design of going over, and applying to Charles Stuart for a commission to raise forces in Ireland ; and that they were determined to make an example of him, if he himself had not diverted them from that resolution.* The Lord Broghill interrupted him here, and assured him, that *the intelligence the Committee had received was false : that he was neither in a capacity, nor had any inclination to raise disturbances in Ireland ; and concluded with entreating his Excellency, to have a kinder opinion of him.* *Cromwell*, instead of making any reply, drew some papers out of his pocket, which were the copies of several letters the Lord Broghill had sent to those persons in whom he most confided, and put them into his hands. The Lord Broghill, upon the perusal of these papers, finding it was to no purpose to dissemble any longer, asked his Excellency’s pardon for what he had said, returned him his humble thanks for his protection against the Committee, and intreated his directions how he ought to behave in so delicate a conjuncture. *Cromwell* told him, that *though till this time he had been a stranger to his person, he was not so to his merit and character ; that he had heard how gallantly his Lordship had already behaved in the Irish wars ; and therefore, since he was named Lord Lieutenant of Ireland, and the reducing that kingdom was now become his province, he had obtained leave of the Committee to offer his Lordship the command of a General Officer, if he would serve in that war ; that he should have no oaths or engagements imposed upon him, nor be obliged to draw his sword against any but the Irish rebels.* The Lord Broghill was infinitely surprised at so generous and unexpected an offer. He saw himself at liberty by all the rules of honour, to serve against the Irish, whose rebellion and barbarities were equally detested by the royal party and the Parliament. He desired, however, the General to give him some time to consider of what had been proposed to him. *Cromwell* briskly told him, that *he must come to some resolution that very instant ; that he himself was returning to the Committee, who were still sitting ; and if his Lordship rejected their offer, had determined to send him immediately to the Tower.* The Lord Broghill finding that his liberty and life were in the utmost danger, and charmed with the frankness and generosity of *Cromwell’s* behaviour, gave him his word and honour, that he would faithfully serve against the Irish rebels. Upon which *Cromwell* once more assured him, that the conditions

of surrendering Dublin and the sword of state to the rebels, but the Marchioness of Ormond received, during the whole time of her Lord's proscription, 3000*l.* per annum by favour from Cromwell.

So grossly inconsistent with the late peace was the King's subscription to the covenant, that Ormond, after having advised his Majesty to take it, affected publicly to discredit the report of his having taken it. The confederates, however, not only believed, that the King had (as the fact was) debased himself and betrayed them by thus covenanting with the murderers of his father, but that Ormond had approved of and advised the measure. Several of them, therefore, together with a large part of their clergy, assembled at James Town in their present embarrassment, and mindful of the resolution they had formerly entered into, that in case of a breach or disavowal of the peace on the part of his Majesty or his Lieutenant, they would return to their original confederacy, as the likeliest means to hinder their people from closing with the Parliament; after much deliberation it was determined, that the clergy should endeavour, by ecclesiastical censures, to withdraw all persons of their own communion, from the command of Ormond: they accordingly assuming, that his Lordship would now publicly promote, as he had ever secretly favoured the covenanters, published an excommunication against all such Catholics, as should enlist under, feed, help, or adhere to his Excellency; or assist him with men, money, or any other supplies whatever: but lest their loyalty to their constitutional monarch should be suspected, they involved in the same sentence of excommunication all such Catholics, as should adhere to the common enemies of God, their King and Country: or should any ways help, assist, abet, or favour them, by bearing arms, for or with them. Whether fear, force, or corruption induced Charles II. to this base act, certain it is, that a *covenanting independent sovereign* is not that constitutional executive magistrate, which the Irish nation was obliged or ought to obey. Under the then existing circumstances, the observance of the late peace was the only security for their religion, liberty, lives, and fortunes.

When Ormond quitted Ireland, he left the wrecks of his wasted, dissipated, and bartered powers to the Earl of Clanrickard, who had often before remonstrated with him upon those measures of his government, which tended to alienate the affections of the nation from the royal cause; and when he received

“he had made with him should be punctually observed; and then ordered  
 “him to repair immediately to *Bristol*, to which place forces should be sent  
 “him, with a sufficient number of ships to transport them into *Ireland*. He  
 “added, that he himself would soon follow him: and was as good as his word  
 “in every particular.”



the government from Ormond, he was fully sensible of the impossibility of effecting any thing essentially important to the service of his Royal Master.\* Although the King, still being in the hands of the Scots, dared not openly avow the treaty then pending with the Duke of Lorraine, to re-establish the Royal Authority in Ireland, yet he did all he privately could to forward it, and afterwards, when he was out of the hands of the Scots, he wrote† to his Highness from Paris, to solicit his and the assistance of other Catholic Princes, against their and his own enemies. Nay, even Ormond, as he had now withdrawn himself from the dangerous situation, in which he had placed his successor, finding his once favoured Puritans going greater lengths than he perhaps wished or expected, notwithstanding his horror of Popery, did not scruple to recommend the sending *fitting ministers, and proposing apt inducements* to the Pope himself, for his interposition with Catholic princes, to enable the King's Catholic subjects of Ireland to make head against the rebels.

It has been the general, though ungrateful and unwarrantable practice of most of our authors, to brand the Irish nation with too hasty and unnecessary submission to the arms of Cromwell. But these very authors relate facts contradictory of their own obloquy. “† The Earl of Orrery himself (says P. Walsh) is a witness beyond exception, that the Irish Catholics were the last in the three kingdoms, that laid down their arms, and gave over fighting for the royal cause.” § Propositions, says Leland, “were received from the parliamentary General, offering them, (the citizens of Limerick) a free exercise of their religion, the enjoyment of their estates, churches, and church livings; a free trade and commerce, without any gar- rison to be imposed upon them, provided they would allow his forces to march through their city, into the county of Clare. The citizens rejected these propositions.”|| Which it may be

\* The account which Clanrickard gives of the state of Ireland, on the 12th April, 1651, is an honourable and unquestionable proof of the unshaken loyalty of the nation, in the last extreme. Clan. Mem. p. 24. for which, vide Appendix, No. XXXVI.

† For this letter, vid. App. No. XXXVII.

‡ Reply to a person of quality, p. 50.

§ 3 Lel. 370.

|| The only disposition that appeared in any part of the nation to favour the rebels, was in the readiness of the peasantry to supply their camp with provisions. For Cromwell issued a proclamation, forbidding any of his army, under pain of death, to hurt any of the inhabitants, or take any thing from them without paying for it in ready money: and under this proclamation, he ordered two soldiers to be hanged in the face of the army, for having stolen two hens from an Irish cottager. Under this security and the *false* assurances of his officers, that they were fighting for the liberties of the Commons, and that every body should thereafter enjoy his own religion and property in freedom, his camp was constantly better supplied than the army of Ormond, whose pas-

observed, were far more favourable than any, that had been granted or even promised to them by the king or his lieutenant. Whilst the general assembly, which had been convened by Ormond himself, was still sitting at Loughrea, after his departure, under full submission to his successor the Earl of Clanrickard, the regicides made very favourable overtures to them for an accommodation. "The consequence of it was, says Carte, an ex-communication denounced by the bishops, and a proclamation issued out by the deputy, upon the advice of the assembly, against all persons that either served in the army of the rebels, or entertained any treaty with, or made any submission to them, declaring them guilty of high treason and punishable with death, unless within 21 days they quitted the service and left off all communication with the rebels." The Irish not only suffered for their determined and severely tried loyalty to the royal cause, but more particularly for the personal bravery and intrepidity, with which they used their arms in its defence, of which Dr. Warner gives this honourable testimony, in the instance of the brave defenders of Drogheda against Cromwell, at the head of 10,000 men and a well appointed battering artillery. "On the 9th of September, the summons having been rejected, Cromwell began to batter the place, and continuing so to do till the next day in the evening, the assault was made, and his men twice repulsed with great bravery: but in the 3d attack, which he led himself, Colonel Wall being killed at the head of his regiment, his men were so dismayed, that they submitted to the enemy offering them quarter sooner than they need to have done, and thereby betrayed themselves and their fellow soldiers to the slaughter. The place was immediately taken by storm: and though his officers and soldiers had promised quarter to all that would lay down their arms, yet Cromwell ordered that no quarter should be given, and none was given accordingly. The slaughter continued all that day and the next, and the governor and four colonels were killed in cool blood: *which extraordinary severity*, says Ludlow, *with a coolness not becoming a man, I presume was used to discourage others from making opposition.*" And speaking of the taking of Wexford, which was betrayed by Colonel Strafford, whom Ormond had made governor of the castle, he says, that "†the slaughter was almost as great as that of Drogheda."

sage through their country was more dreaded by the peasantry, than that of a most ferocious enemy: such ever had been his rapine, extortion, and oppression.

\* Warn. Hist. Reb. 470.

† Ib. p. 476. The Marquis of Ormond in his letter to the king and Lord Byron, says, "that on this occasion, Cromwell exceeded himself, and any thing he had ever heard of in breach of faith and bloody inhumanity: and that the cruelties exercised there for five days after the town was taken, would

A modern portrait has been given of the state of Ireland during this calamitous period, with a view to promote it's union with Great Britain, in which truth and resemblance have been too grossly sacrificed, to the glow of colouring and warmth of imagination. “\*After a fierce and bloody contest for eleven years, in which the face of the whole island was desolated, and its population nearly extinguished by war, pestilence and famine, *the insurgents* were subdued, and suffered all the calamities, which could be inflicted on the vanquished party in a long contested civil war. This was a civil war of extermination.†”

...A very seasonable memento is thrown into this composition, addressed to a certain part of the nation, of “the blessings of republican liberty dealt out to their ancestors, by the Usurper Cromwell. His first act was to collect all the native Irish, who had survived the general desolation and remained in the country, and to transplant them into the province of Connaught, which had been depopulated and laid waste in the progress of the rebellion. They were ordered to retire thither by a certain day, and forbidden to repass the Shannon on pain of death: and this sentence of deportation was rigidly enforced until the restoration. Their ancient possessions were seized and given up to the conquerors, as were the possessions of every man who had taken a part in the rebellion, or followed the fortune of the king after the murder of Charles I. This whole fund was distributed amongst the officers and soldiers of Cromwell's army, in satisfaction of the arrears of their pay, and amongst the adventurers, who had advanced money to defray the expences of the war. And thus a new colony of new settlers, composed of all the various sects, which then infested England, Independents, Anabaptists, Seceders, Brownists, Socinians, Millenarians, and Dissenters of every description, many of them infected with the leaven of democracy, poured into Ireland, and were put into possession of the ancient inheritance of its inhabitants.”

The real situation of Ireland, at the restoration of Charles II. is more easily described and credited. A people, who had con-

“make as many several pictures of inhumanity, as are to be found in the Book of Martyrs, or in the relation of Amboyna.” 2. *C. Orm.* 84. Pity it was that Ormond had not been as prompt to check the progress of Cromwell with his sword, as he was to describe his inhumanity with his pen.

\* Speech of the Earl of Clare, in the House of Lords in Ireland, on his own motion for the union on the 10th February, 1800. 2d Dub. Ed. p. 15.

† It is impossible that an impartial hearer or reader of this discourse, should understand by it, that *the insurgents who had carried on a fierce and bloody contest for eleven years, and had at length been subdued*, were the most loyal part of the king's subjects, who had been fighting against the parliamentary rebels, in defence of the king and his crown, from the year 1641 to 1652, when they were compelled by imperious necessity (three years after England) to submit to the tyrannical usurpation of Cromwell.



tinued determined in fighting for the royal cause, nearly three years longer than any other part of the British empire, reduced to two thirds of their population by the fierceness of their contest with the rebellious regicides, by massacres, famine and pestilence,\* stripped of any armed force for defence or attack, expatriated at home, and unexceptionably divested of the scanty remnants of their ancient inheritances, which had not been wrested from them by former plantations. Thus were these unfortunate wrecks of the native Irish the devoted victims to their loyalty, penned up like hunted beasts in the devastated wilds of Connaught, hardly existing in the gregarious and promiscuous possession and cultivation of the soil, without the means of acquiring live or dead stock, and wanting even the necessary utensils for husbandry. The perseverance of these martyrs to royalty, it would be natural to suppose, would have moved the sympathy and challenged the justice of the restored monarch. But Charles was a Stuart, and the Irish nation were his most staunch, unrelenting, and therefore suffering friends. If ever Ireland had a call of gratitude upon the crown of England, it was at the restoration of Charles II.: yet if any period since the invasion of Henry II. be distinguishable for the sufferings of the Irish nation, it was the moment, when that monarch immolated them to the vindictive fury of his own and his father's enemies. Yet such is the force of prejudice against the Irish, who resisted the usurpation of Cromwell, and spent their last blood and treasure in supporting the royal cause, that by the first legislators after the restoration, the rebellious regicides were established and confirmed in the wages of their sanguinary rebellion. This conduct of our ancestors baffles all conjecture: unless the crimes of one kingdom were compromised for the forfeitures of another. Yet in the last session of the last parliament of Ireland, the adulatory incense of gratitude thrown up to the shrine of Cromwell, for having reduced the only persevering royalists under his subjection, bids bold defiance to astonishment.† *It would have been an act of gross injustice on the part of the king, to have overlooked the interests of Cromwell's soldiers and adventurers, who had been put into possession of the confiscated lands in Ireland.*

\* Cromwell, says Dalrymple (Mem. I vol. p. 267) in order to get free of his "enemies, did not scruple to transport 40,000 Irish from their own country, to fill all the armies in Europe with complaints of his cruelty and admiration of their own valour." These were either bribed, persuaded or forced to take themselves out of their country embodied with their officers. This was the first foundation of Irish corps in foreign armies. They were all Catholics: for all the Protestant forces in Ireland were either transmitted over by Ormond, or after his departure went voluntarily to the rebellious regicides. Borlase says, that in the summer of 1650, 17,000 died of the plague in Dublin alone.

† Speech of the Earl of Clare on the 10th of February, 1800, p. 17.

Of all the leading men in Ireland, who had given the most virulently into the usurpation, were Lord Broghill, and Sir Charles Coote: they during the whole interregnum were presidents of Munster and Connaught; they had been the occasion of taking away more lives in cold blood from the year 1641, than any other men in Ireland, if we except the orders of Cromwell at Drogheda and Wexford: but no sooner did they perceive the turn of the scale in favour of royalty, than they became as prominent in their offers to Charles, as they had been zealous in their services to Cromwell: and Charles in the full glow of his family passion for rewarding his enemies, created *Broghill* Earl of *Orrery*; and *Coote* Earl of *Montrath*; and appointed them lords justices of Ireland.\* Sir Maurice Eustace (an old and particular friend of the Marquis of Ormond, says Carte) was at the same time made lord high chancellor. By the advice, management, and contrivance of these four persons, (all determined enemies to the Irish Catholics) was the whole settlement of that kingdom conducted. Commissioners were sent by this party to the king to forward their grand design, which was to call a new parliament, into which no Catholic either peer or commoner should be admitted, in which should be granted a general pardon and indemnity to all Protestants: and in which all the Cromwellians should be secured in their possessions, and the Irish effectually prevented from recovering their estates. The parliament which was convened was so constituted,† as to command by a most decided majority whatever measure might be proposed for carrying these expedients into effect: but in order the more surely to effectuate their purpose, and to prevent even a debate on the question, all Catholic members, though not at that time disqualified to sit and vote in parliament, were excluded by the self assumed power of each house: the commons having passed a resolution “that no member should be qualified to sit in their house, but such as had taken the oaths of “allegiance and supremacy:” and the speaker of the house of peers (Bramhall, archbishop of Armagh) having proposed a re-

\* “These two Earls had been, says Clarendon, eminently against the king: but upon this turn, when all other powers were down, were eminently for him. But the king had not then power to chuse any against whom some as material objections might not be made. With them there were too many others, upon whom honours were conferred; upon some, that they might do no harm, who were thereby enabled to do the more.” *Clar. Life*, 2 v. p. 219. Clarendon (to his own cost ultimately) was a warm encourager of this Stuart principle.

† This House of Commons consisted of 260 members, of which all but 64 were burgesses: and Cromwell had filled all the corporations throughout the kingdom, insomuch that they were then all of his party and spirit. In the House of Peers there were about twenty-one Catholic peers and seventy-two Protestant peers, besides twenty-four bishops: their list as it stood in 1688 may be seen App. No. XXXIX.

solution which passed their house “ that all the members thereof “ should receive the sacrament of the Lord’s Supper from his “ grace’s own hands.” With the like view of preventing the Irish Catholics from sending over agents to England to oppose or counteract the state commissioners as they were then called, who were soliciting the English parliament to except the Irish Catholics out of the act of oblivion and general pardon, the convention at Dublin put in execution all the severe laws and ordinances made by the Usurper ; by which the Catholics were prevented from going from one province to another, to transact their business, such as had the more considerable estates were imprisoned, all their letters to and from the capital were intercepted: the gentry were forbidden to meet, and were thereby deprived of the means of agreeing upon agents to take care of their interests, and of an opportunity to represent their grievances at the foot of the throne. The stale device of contriving new Popish conspiracies and rebellions was resorted to, in order to alarm the English parliament into the measure of excluding the Irish Catholics from the general pardon, and quieting possessions in Ireland: Charles published a proclamation for apprehending and prosecuting all *Irish rebels*, (a term now generally adopted as synonymous with *Irish Catholics*) and commanding, that adventurers, soldiers, and others who were possessed of any lands, should not be disturbed in their possessions, until legally evicted, or his majesty, by advice of parliament, should take further order therein. Carte, Leland, and indeed all our historians agree, that the most aggravated, extravagant and unfounded reports against the Irish, were brought to England, and there received with the utmost avidity, and circulated with every accumulation of inventive selfishness and malice, by incredible numbers of projectors, suitors, sufferers, claimants, solicitors, pretenders, and petitioners who thronged the court, and looked to the Irish forfeitures as the sure fund for realizing their various speculations. Such however was the effect produced by these manœuvres or other means, which have now escaped the eye of the public, that when the state commissioners from Ireland petitioned both houses of parliament in England to exclude the Irish Catholics from the general indemnity, the Duke of Ormond opposed it, alleging, *that his majesty had reserved the cognizance of that matter to himself*, though it were notorious, that the king but some days before in his speech to parliament had informed them, “ that he expected (in relation to the Irish) “ they would have a care of his honour, and of the promise he “ had made them.”\* And they were accordingly excluded, to

\* Viz. Explicitly from Breda through the Marquis of Ormond. “ That he “ would perform all grants and concessions which he had either made or pro-



their ruin, the exultation and triumph of their enemies, and the astonishment of all impartial men. Ormond resumed the government of Ireland, and by him were framed and settled the king's declaration, the acts of settlement and explanation, and by him was made out the list of the persons excepted by name\* out of the ruinous effects of the act of settlement. By him was recommended the Court of Claims, and under his influence were appointed the first members of it, whose interested partiality and corruption became too rank even for their patron to countenance. He then substituted men of real respectability to fill their places, but so stinted them in their time for going through the claims of the dispossessed proprietors, (notwithstanding the few cases under which their innocence could be admitted) that when they applied for an enlargement of time in order to go through several thousands of unheard claims, Ormond opposed the application, and rejected a clause in the bill for the relief of these unheard claimants.† Under these different circumstances, the representation of this whole transaction made by the highest legal authority in the last parliament of Ireland is the more singular, as it immediately followed an opinion, that Cromwell's conduct in Ireland was essentially advantageous to the British empire." "But," says his lordship, "admitting the principle of this declaration in its fullest extent, it is impossible to defend the acts of settlement and explanation, by which it was carried into effect."‡

"The act of settlement professes to have for its object, the execution of his majesty's gracious declaration for the settlement of his kingdom of Ireland, and the satisfaction of the several interests of adventurers, soldiers, and other his subjects there : and after reciting the rebellion, the enormities committed in the progress of it, and the final reduction of the rebels, by the king's English and Protestant subjects, by a general sweeping clause vests in the king, his heirs and successors, all estates real and personal, of every kind whatso-

ever misused them by that peace : and which as he had new instances of their loyalty and affection to him, he should study rather to enlarge, than diminish or infringe in the least degree."

\* They are about 500 in all ; they being the leaders of the noxious party, their merit takes off the guilt of the rest who suffered.

† So sensible was Ormond at this time of the injustice he was working against his countrymen, whom he hated on account of their religion, that he thus expressed himself on the subject to Clarendon : (*C. O. 3. vol.*) "If you look upon the composition of this council and parliament, you will not think it probable, that the settlement of Ireland can be made with much favour or indeed reasonable regard to the Irish. If it be, it will not pass : and if it be not, we must look for all the clamour that can be raised by undone men." The ingratitude and injustice of this conduct to the Irish, was too glaring for Ormond not to wish to throw the odium of it upon his creatures.

‡ Speech of Lord Clare.

“ ever in the kingdom of Ireland, which at any time from the  
“ 21st of October, 1641, were seized or sequestered into the  
“ hands, or to the use of Charles I. or the then king, or other-  
“ wise disposed of, set out or set apart, by reason or on ac-  
“ count of the rebellion, or which were allotted, assigned, or  
“ distributed, to any person or persons for adventures, arrears,  
“ reprisals, or otherwise, or whereof any soldier, adventurer, or  
“ other person was in possession, for or on account of the re-  
“ bellion. And having thus, in the first instance, vested three  
“ fourths of the lands and personal property of the inhabitants  
“ of this island in the king, commissioners are appointed with  
“ full and exclusive authority, to hear and determine all claims  
“ upon the general fund, whether of officers and soldiers for  
“ arrears of pay, of adventurers who had advanced money for  
“ carrying on the war, or of innocent Papists, as they are called,  
“ in other words, of the old inhabitants of the island, who had  
“ been dispossessed by Cromwell, not for having taken a part  
“ in the rebellion against the English crown, but for their at-  
“ tachment to the fortunes of Charles II. : but with respect to  
“ this class of sufferers, who might naturally have expected a  
“ preference of claim, a clause is introduced, by which they are  
“ postponed after a decree of innocence by the commissioners,  
“ until previous reprisal shall be made to Cromwell’s soldiers  
“ and adventurers, who had obtained possession of their in-  
“ heritance. I will not detain the house with a minute detail  
“ of the provisions of this act : but I wish gentlemen, who call  
“ themselves the dignified and independent Irish nation, to  
“ know, that seven millions eight hundred thousand acres of  
“ land were set out, under the authority of this act, to a mot-  
“ tley crew of English adventurers, civil and military, nearly to  
“ the total exclusion of the old inhabitants of the island. Many  
“ of the latter class, who were innocent of the rebellion, lost  
“ their inheritance, as well from the difficulties imposed upon  
“ them by the court of claims, in the proofs required of their  
“ innocence, as from a deficiency in the fund for reprisal to  
“ English adventurers, arising principally from a profuse grant  
“ made by the crown to the Duke of York. The parliament  
“ of Ireland, having made this settlement of the island in  
“ effect on themselves, granted an hereditary revenue to the  
“ crown, as an indemnity for the forfeitures thus relinquished  
“ by Charles II.”

Certain it is, that strong prepossessions are entertained by many to this day, in favour of Ormond and his conduct both to the king and his countrymen. Historical justise can judge only from facts either satisfactorily proved, or admitted on all hands. We have traced his conduct up to the present period. When the sympathy and justice of his royal master balanced between

the claims of the English Protestants, and the Irish Catholics, Ormond's efforts to bias the king in favour of the former, could not fail to be successful with a Stuart, because the latter had been ever faithful to his interests, and the former had been the avowed enemies of himself and family. So far was Ormond from having suffered by these rebellions, insurrections, or civil wars in Ireland, that we read in a letter from the Earl of Anglesey\* to the Earl of Castlehaven, published in the latter's memoirs during Ormond's own life (A. D. 1681); "that his  
 " grace (he was then raised to the dignity of a duke)† and his  
 " family, by the forfeiture and punishment of the Irish were  
 " the greatest gainers of the kingdom, and had added to their  
 " inheritance vast scopes of land, and a revenue three times  
 " greater than what his paternal estate was before the rebellion,  
 " and that most of his encrease was out of their estates, who  
 " adhered to the peaces of 1646, and 1648, or served under his  
 " majesty's ensigns abroad."‡ During the remainder of Charles's reign, many malicious attempts were made to stigmatize the Irish with fresh rebellions: which always served as pretexts for enforcing the execution of the penal laws against the Catholics.§ Ormond was worked out of favour by the

\* This authority is the stronger by how much the intimacy and friendship of Lord Anglesey were the greater for Ormond; and we are informed by Leland, after Carte, that when the Duke of Buckingham was endeavouring to supplant Ormond in the king's favour, and made overtures to the Earl of Anglesey for that purpose, the earl rejected these overtures with indignation, and gave Ormond notice of the designs formed against him. 3 *Lel. p.* 453. It will however, be candid to apprise the reader of what Ormond himself had to offer in justification of his own conduct, which he has done in the letter he wrote to his majesty, with his reason for quitting the government of Ireland, for which see the App. No. XL.

† An anonymous writer in 1674, in a pamphlet called the *Unkind Deserter*, asserted, that "Ormond's estate before the war cleared but 7000*l.* per annum, it was so heavily charged with annuities and leases, but that it was worth 40,000*l.* per annum, and that it was at that time (1674) close upon 80,000*l.* per annum. Now the first part of his new great revenues, is the king's grant of all those lands of his own estates which were leased or mortgaged: the rest were grants of other men's estates and other gifts of his majesty. His gifts and grants are thought to amount to 630,000*l.*" p. 161-2. All these gifts were confirmed by parliament. The printer of this pamphlet was imprisoned at the suit of Ormond, but no answer to it was ever attempted.

‡ From whence his lordship justly concluded, "that his grace could not have been very sincere in making either of these peaces with the Irish: but that whatever moved him thereto, whether compassion, natural affection, or any thing else, he was in judgment and conscience against them: and so has he since appeared and hath advantage by their laying aside." *Cast. Mem. ubi supra.*

§ Ormond, who probably was conscious of the king's disposition and secret wishes to favour the Catholics, did all he could to raise divisions amongst them, by dividing the clergy upon a punctilious form of oath, by which it was then in contemplation to allow the Catholics to express their allegiance to their sovereign. The declaration of the great body of the clergy, which Ormond rejected, may be seen in the App. No. XLI. Not contented with the indig-



intrigues of the Duke of Buckingham, and the Earl of Orrery : he was first succeeded by Lord Robarts, and then the Earl of Essex :\* and was at last taken again into the favour of his sovereign, and restored to the government of Ireland, which he retained till the demise of Charles II. ; though this king a very short time before his death, had intimated to the Duke of Ormond, his intention of sending over the Earl of Rochester to assume the government in his stead : his grace's removal was one of the first acts of his successor, James II.

nant rejection of the clergy's remonstrance, he ordered them to disperse, and soon after banished them out of the nation : and so rigorously was this effected, that when Ormond quitted the government, there were only three Catholic bishops remaining in the kingdom : two of them were bedridden, and the third kept himself concealed. If the public conduct of great men may be sometimes traced to their private feelings and passions, it may here be proper to inform the reader, that Walsh (the historian) who was an apostate Franciscan friar, then under the interdict or excommunication of his own bishop, was the particular favourite, creature, and pensioner of Ormond : that Walsh was the most violent opposer of Talbot, the titular archbishop of Dublin, and the rest of the petitioning and remonstrant clergy : that Talbot was the brother of Colonel Richard Talbot, (afterwards Earl of Tyrconnel) who had been sent to the tower in London, for having challenged Ormond for duplicity of conduct in relation to the Irish Catholics, an agent for whom the colonel was ; Ormond in complaining to the king, asked his majesty, if it were his pleasure that at this time of day he should put off his doublet to fight duels with Dick Talbot. This conduct of Ormond towards Talbot, did not much raise the duke in the estimation or affection of his countrymen. And the king, who by dying in the Catholic communion, has proved to posterity, that he was long before favourably disposed towards his Catholic subjects, could not much relish this severity of Ormond towards them.

\* Whilst this nobleman was lord lieutenant in 1674, he thus expressed himself upon the subject of Ormond's gains by the rebellions : " My Lord Duke " of Ormond has received above 300,000*l.* in this kingdom, besides all his " great places and emoluments, and I am sure the losses of his private estates, " have not been equal to those I have suffered (in the preceding civil war,) " and yet he is so happy as no exception is taken to it : " (*St. Let. p. 213.*)

## CHAPTER VI.

## THE REIGN OF JAMES THE SECOND.

THE short reign of this unfortunate monarch was pregnant with events of the deepest importance to the Irish nation. That the joy and exultation of the Irish Catholics at the accession of a Catholic prince to the throne should be excessive and even intemperate was to be expected. The turn of the scale of politics in this kingdom was rapid and complete. However differently the few years of James the second's reign are represented by our own and the Irish historians, great allowances must be made for the violence of those party prepossessions, under which they have both written.\* I shall advert solely to uncontroverted facts. The Earl of Clarendon succeeded Ormond, but he was probably too firmly attached to the Protestant Interest, to give as largely into King James' measures, as was

\* The great book of authority which our authors look up to, and of which the Irish loudly complain, is, *The state of the Protestants of Ireland under the late king James's government, in which their carriage towards him is justified, and the absolute necessity of their endeavouring to be freed from his government, and of submitting to their present majesties is demonstrated.* It was written, as by the title sufficiently appears, immediately after the revolution, to make court to King William, and is attributed to Doctor King, who was made Bishop of Derry in 1690, and translated to the see of Dublin in 1702. Doctor Lesley, the famous Protestant divine, wrote an answer to this book, in which he proves most of Doctor King's charges to be either absolutely false or grossly exaggerated. Leslie's answer was never replied to, and by the turn of politics it was suppressed even in the first edition, whereas Dr. King's has gone through several editions. It is curious to attend to what Swift has said of Dr. Lesley, who was a firm *non-juror*. Swift was as little disposed to favour Popery or Papists, as Puritans or Republicans. (*Swift's Preface to Burnet's Introduction to his History of the Reformation*). "Without doubt Mr. Lesley is unhappily misled in his politics: but he has given the world such a proof of his soundness in religion, as many a bishop ought to be proud of. I never saw the gentleman in my life: I know he is the son of a great prelate, who upon several accounts, was one of the most extraordinary men of his age. I verily believe he acted from a mistaken conscience (in refusing to swear allegiance to King William) and therefore I distinguish between the principles and the person. However it is some mortification to me, when I see an avowed *non-juror* contribute more to the confounding of Popery, than could ever be done by an hundred thousand such introductions." It should also be added, that Dr. King had been before the revolution in favour with James, and had expressed sentiments of the staunchest toryism: but on being detected in a correspondence with the Prince of Orange and the northern rebels, was committed to prison: from whence he was discharged upon Lord Chief Justice Herbert's undertaking to answer for his loyalty to King James: at which his lordship was afterwards much vexed.

agreeable to the designs of the court.\* His instructions clearly bespoke the king's intention of introducing Catholics into corporations, and investing them with magistracies and judicial offices: and being called upon by his instructions to give his opinion upon the legality of the measure, he expressed his readiness to comply with his majesty's commands herein, although contrary to the act of Elizabeth, which directed, that all civil and temporal officers, as well as ecclesiastical, should take the oath of supremacy. The army was, however, soon filled with Catholic officers, the Bench with Catholic judges, (except three who retained their seats) the corporations with Catholic members, and the counties with Catholic sheriffs and magistrates. And the Earl of Tyrconnel was appointed the commander in chief of the army, independent of the lord lieutenant. On the very rumour of these changes and appointments, alarm and consternation fell upon the whole Protestant part of the kingdom: and most of the traders and others, whose fortunes could be transferred, fled from a country, in which they expected a speedy establishment of Popery, and a general transmutation of property. Clarendon and most of the Protestant party complained of the overbearing confidence and presumption of Tyrconnel and the Catholics, by whom, in some instances, their newly acquired power and influence were imprudently exercised. The Catholics, now feeling themselves secure at least in the freedom of their religion, prevailed on Tyrconnel to go to England in order to bring over the king to their favourite measure of breaking through the act of settlement. It had now had the sanction and experience of twenty years, and the king saw more inconveniences in throwing the whole national property into a new state of disorder and confusion, than those did, who had been suffering during that whole time from the deprivation of their birth rights.† Tyrconnel however so effectually

\* Hence his frequent complaints of his majesty's want of confidence in him, "I shall be able to do the king more or less service here, according to the credit and countenance the world finds I have from his majesty." And "certainly it would not be to the prejudice of the king's service to have the chief governor a little consulted with." (*State Letters*, 1 vol. page 114). In the same letter to the lord treasurer: he says, "His majesty knows that I will, as well as must obey him." It appears however that the most alarming effects were expected from the sanguine expectations on one side and the fears on the other, that the acts of settlement and explanation should be repealed, and the former proprietors readmitted to their ancient inheritances: for the new lord lieutenant in his speech to the council when he was sworn into office, on the 9th of January 1685-6, expressly told them, "I have the king's commands to declare upon all occasions; that whatever imaginary (for they can be called no other) apprehensions any men here may have had, his majesty hath no intention of altering the acts of settlement." (*Append. to St. Let.* p. 283.)

† Tyrconnel was himself a great enemy to the settlement, and he took over with him Mr. Nagle, who was generally esteemed one of the most eminent of the profession of the law, who, whilst in England, wrote a treatise much spoken of



worked upon the king, as to have disposed him to consent to the repeal of the acts of settlement; and he soon returned to Ireland as lord deputy.

This new arrangement of the government of Ireland with the investiture of such a portion of the civil power of the nation in the hands of Catholics, worked up the Protestants of most denominations to the last degree of suspicion and fear. Tyrconnel was personally obnoxious to them: he was impetuous, resolute, and imperious: he commanded an unbounded influence over the king, and having in his youth been a witness to the bloody carnage at Drogheda, he had ever retained an abhorrence of Fanaticism, with the spirit of which he considered all Protestants more or less infected. Nothing more was wanting to alienate the affections of the Irish Protestants from James and his government: and ere this unfortunate monarch by the advice of imprudent and insidious counsellors had been brought to abdicate the crown of England, the whole Protestant interest of Ireland had already associated against him.\*

in those days upon the injustice of the acts of settlement it was called the *Coventry Letter*.

\* Great allowances are to be made by the impartial observer of the heat of those factious days, in attributing the natural Workings of the minds of individuals upon the political circumstances of the day. No man ever spoke with more candour and sincerity upon that subject, than Dr. Lesley, a most zealous defender and apostle of the Church of England. (*Preface to his Answer to Archbishop King*) "Suppose, say they, it were true which Dr. King asserts, as it is most false, that King James while he was in Ireland, did endeavour totally to overthrow the Church established by law there, and set up that which was most agreeable to the inclinations of the major number of the people in that kingdom, who are Roman Catholics: the Jacobites ask, if this were so, whether it be not fully vindicated in the fourth instruction of those which King William sent to his commissioner in Scotland, dated at Copt Hall, May 31, 1689, in these words? *You are to pass an act, establishing that Church government which is most agreeable to the inclinations of the people.*"

"By which rule they say, that it was as just to set up *Papery* in Ireland, as *Presbytery* in Scotland: and that the law was not more against the one in Ireland, than against the other in Scotland. That the parliament in Ireland was liable to less exception, than that in Scotland. The one called in the usual form, by writs from their *natural king*, to whom they had sworn: the other by circular letters from a foreign *prince*, to whom they owed no obedience; who could not, nor did pretend any other authority over them or right to the crown, besides *the inclination of the people*. Which therefore they say, in return for their kindness, he has made the standard for *Church Government*, as well as the government of the *State*.

"That it is only alleged that King James intended to do in Ireland, what he did not do, when it was in his power, and what King William actually did when he was in Scotland, viz. to overturn the Church then by law established. Though King James had truly the argument of the *inclinations of the people*, i. e. of the major part in Ireland, which was but a pretence, and falsely collected in Scotland, from the *fanatic rabble* being let loose, and encouraged to act all outrage upon the *Episcopal clergy*."

The same author, with equal truth and candour speaks in this manner of King James, whose real character is little known from the distorted caricatures

This singular epoch of the Irish History furnishes the most simple demonstration of the necessity of an incorporate union, and exposes the monstrous anomaly of several independent kingdoms under one sovereign. None of the facts, which in England had amounted to a complete abdication of the crown of England, existed in species, analogy, or relation to the crown of Ireland. Here the royal authority still remained vested in the person deputed by King James to execute it: the bulk of the people still submitted to it, as it was their duty to do; for it is self-evident, that by the constitution of Ireland, the people of England, the King of England, or the parliament of England could not dissolve or transfer the allegiance of the people of Ireland, which long had been, then was and continued until the late union to be an independent kingdom: and therefore capable of uniting and proper to be united with Great Britain. James II. therefore, continued to be king of Ireland *de jure et de facto*, notwithstanding his abdication of the crown of England.\*

left of it by most of his cotemporary writers after which the more modern copies have been taken. James had many virtues, and many faults: he was treacherously advised and he was unfortunate. "I have done, when I have desired the reader not to think that I am insensible of several ill steps, which were made in the administration of affairs, under the government of King James. Nor do I design to lessen them, or make other apology for them, than by doing him this justice to tell what the jacobites offer to prove, and make it notorious: viz. that the greatest blots in his government were hit by those who made them, with design to ruin him, and now boast it as their merit, and are rewarded for it. And though Dr. King represents him to be of so tyrannical and implacable a temper towards the Protestants, yet that it is now publicly known that the fatal measures he took were advised, and often pressed, beyond against his majesty's inclinations and opinion, by those Protestants, whom his unexampled and even faulty clemency had not only pardoned, for all their bitter virulency in opposing his succession, but brought them into his most secret councils, and acted by their advice. This was the burden of the charge laid against him in the Prince of Orange's declaration: viz. Employing such ministers, and acting by their advice: and though our law says, that the king can do no wrong, and therefore that his ministers are only accountable, yet as Mr. Samuel Johnson laid it open, that we have lived to see the king only punished, and those ministers rewarded, and still employed: and the many grievances complained of in their administration under King James are, by the present discontented, said to be continued and doubled upon us now."

\* As all independency must be reciprocal, it might with as much reason be argued that the continuance of Ireland's allegiance to James should bind England, as England's discontinuance of it should bind Ireland. And in case of an abdication of the crown of Ireland, it certainly was competent for Ireland to chuse for itself, whether it should continue the crown in the old line of descent, or set aside the old inheritable stock in favour of a stranger and foreigner as the English did. In such case England must have had the right of legislating for Ireland. The most bigotted obloquy alone can impute rebellion to the Irish Catholics for adhering to and fighting for King James their lawful sovereign, until he fled and abandoned them to the conqueror. Dr. Lesley is very pointed about the versatility of the Protestants allegiance in this revolutionary crisis. "Before the association in the north of Ireland,

Long before King James had left England, the Protestants in the north of Ireland, were generally in arms; appointed themselves officers; enlisted men; armed and arrayed them; they regimented themselves, and had frequent rendezvous: they appeared in the field with drums beating and colours flying: they chose governors of counties, and appointed councils and committees to carry on their business: they disarmed the native Irish, and such of the Protestants, as they suspected not to be cordial to their cause. All this was not only done without the authority of James, at that time king of Ireland; but the royal authority for it was not even pretended. On the contrary, it is manifest by their subsequent conduct, and boasting of it (when the revolution had succeeded) as meritorious, that it was all intended in direct opposition to the king: and was therefore at that time manifestly a treasonable levying of war against the crown.\* This formidable armed force of the northern Protestants had been gaining strength several months before the landing of William in Torr Bay: and they continued daily in an improving state of organization and regular warfare against the existing government of the country.†

“ September 1688, they prayed for King James. The beginning of March following, they proclaimed the Prince of Orange king, and prayed for him. The 15th day King James’s army broke their forces at Drommore in the north of Ireland, and reduced all but Derry and Enniskillen. Then they prayed again for King James, *that God would strengthen him to vanquish and overcome all his enemies.* In August following, Schomberg went over with an English army then as far as his quarters reacht, they returned to pray the same prayer for King William: the rest of the Protestants still praying for victory to King James and for his people; and yet now tell us, that all that while they meant the same thing: four times in one year praying forwards and backwards point blank contradictory to one another.”

\* The association under the orders of which all this was done was established and they began to arm in September 1688. Vide p. 7. of the *Faithful History of the Northern Affairs of Ireland from the late King James’s Accession to the Crown, to the Siege of Londonderry, by a Person who bore a great Part in these Transactions.* This author was a predetermined enemy of James.

† It is a matter of no small moment to ascertain the dates of the leading facts of the revolution of 1688, in Ireland: for it bore very differently both in fact and principle upon England and Ireland. That James abdicated in England is as unquestionable, as that he did not abdicate in the same manner and at the same time in Ireland. He left Whitehall when he went to Faversham, on the 11th of December, 1788: but he returned to London, and quitted England only on the 23d of December following: and his abdication was not formally determined in the convention till the ensuing February. Long before any of these three facts could have been known in Ireland, we find (*in Mr. Boyse’s Vindication of Mr. Osborne in Reference to the Affairs in the North of Ireland, p. 11.*) that Mr. Osborne was, in November 1688, entrusted by his brethren the Non-conformist ministers and other gentlemen of note and interest in the province of Ulster, to get some gentlemen sent from Dublin to the prince with instructions signed by archdeacon Hamilton and Alexander Osborne in the name of the rest, to congratulate the arrival of the Prince of Orange into England, and tender their services to him. They accordingly sent a person with a memorial to the Prince of Orange on the 8th of December, 1688, greatly enlarging on those instructions: the original of which papers Mr. Boyse at the



Tyrconnel under these embarrassments summoned all the loyal part of the nation to arm in support of the rights of their lawful sovereign, upon which their own rights also depended, against the northern rebels, and the efforts of the usurper, (such was the style of the castle.)

Historical justice obliges us here to remark and confute a most glaring and malicious misrepresentation of Archbishop King (119) where he says : " And least there should be any " terms proposed or accepted by the people in the north, and so, " that country escape being plundered and undone, he made all " the haste he could to involve the kingdom into blood." The fact is so much the reverse, that several proclamations were made requiring the associators to disperse and promising them pardon. There was one of this nature, dated the 25th of January 1688, which was signed by several Protestants of the council as the Earl of Granard, Lord Chief Justice Keating, &c. to which a reference is made in the proclamation mentioned by the archbishop bearing date 7th of March 1688 :\* and it is notorious that Mr. Osborne was sent down to the north by the lord deputy before any part of the army was put in motion, with instructions to use all persuasions to the associators to lay down their arms, and give them warning of the very day on which the army would march : with a special instruction, that although ten were excepted in the proclamation, yet he would insist but

time of his writing the before-mentioned pamphlet had in his possession. These very instructions argue a long pre-existing organization, which at that time could be nothing short of downright treason. Such also were the acts of shutting the gates of Londonderry against Lord Antrim's regiment sent thither by the lord deputy, and refusing to quarter two companies of soldiers sent to Enniskillen by the same authority. Which two acts Archbishop King says, *was all that was done by any Protestant in Ireland in opposition to the government before King James deserted England* (p. 118.) We learn from Hamilton's *Actions of the Enniskillen Men*, p. 3, that this happened on the 16th of December, 1688. But it was on the 3d of December that a certain anonymous illiterately worded letter, announcing an intended massacre of all the Protestants of Ireland on the 9th of that month was picked up in Cumber street and sent to Lord Mount Alexander (and *whether true or counterfeit*, says his grace (p. 115) was spread over the whole kingdom, and about the same time the gates of Derry were shut against Lord Antrim's regiment ; which Archbishop King justifies, as they appeared before the town without the king's livery, (p. 115.) On the 7th of December 1688, (vide Mackenzie's Narrative of the Siege of Londonderry, p. 3) the gates were shut to Lord Antrim's regiment, and on that very same day Mr. Hamilton of Tollimore went to Dublin deputed by these Protestant associates to entreat the Earl of Granard, to put himself at the head of the northern army as their general : to which deputation he returned a very indignant answer : that he knew not what it was to command a rabble : that he had lived loyal all his life, and would not depart from it in his old age, and was resolved, that no man should write *rebel* upon his grave stone. (Lest. p. 79.)

\* This proclamation is to be seen in the Appendix, No. XLII. and is a notable monument of the want of good faith and candour in this trimming prelate : and in justice to the actors in the scenes which his grace was then representing ought to have been comprised in his Appendix amongst other documents of very inferior importance to that public act of government.

upon three : and if it should appear, that they took up arms merely for self-preservation, (as was pretended) then he would pardon these said three persons also.\*

An army of about 30000 men was soon formed, and officered chiefly with Catholics. James gave constant assurances, that he would come over to head them in person : he was then at the court of Louis the XIVth, who commiserating his fallen state, and envying the rising power of William, his inveterate enemy, offered him a French army to enable him to reassert his rights : which he with true patriotism declined, alleging “ that he would “ recover his dominions by the assistance of his own subjects or “ perish in the attempt.” James sailed from Brest with a strong armament, having on board 1200 of his own subjects who then were in the pay of France, and 100 French officers, and landed at Kinsale, in March 1689 : from thence he proceeded to Dublin, where he was received as king, with great pomp and solemnity.

† “ Addresses (says Leland) were instantly poured in upon “ him from all orders of people. That of the Protestant estab- “ lished clergy touched gently on the distraction of the times, “ and the grievances they had experienced. He assured them “ of protection ; he promised to defend, and even to enlarge “ their privileges. But his fairest declarations were received “ with coldness and suspicion, when all the remaining Protes- “ tants of the privy council were removed, and their places sup- “ plied by D’Avaux, Powis, Berwick, the Bishop of Chester, “ and others of his zealous adherents. He now issued five “ several proclamations : by the first, he ordered all Protestants “ who had lately abandoned the kingdom, to return and accept “ his protection, under the severest penalties ; and that his sub- “ jects of every persuasion should unite against the Prince of “ Orange. The second was calculated to suppress robberies ; “ commanding all Catholics, not of his army, to lay up their “ arms in their several abodes : a third invited the country to “ carry provisions to his troops : by the fourth he raised the “ value of money : and the last summoned a parliament to meet “ at Dublin on the 7th day of May ; and which did meet, and “ sit from that day to the 12th of July, and then adjourned to “ the 12th of November following.†

\* See Mr. Osborne’s letter to Lord Massarene taken from the Apology for the Protestants in Ireland. Appendix, No. XLIII.

† 3 Lel. p. 523.

‡ As by the turn of events all acts done by James in Ireland after his abdication of the crown of England, are now considered as acts of rebellion, or usurpation upon the royal powers and prerogatives of King William, it would not be decent to refer to them for any other purpose, than that of proving from them, that the bulk of the Irish nation, who still supported and submitted to his authority, sincerely believed they were not committing rebellion against

After these solemn and formal acts of sovereignty, the scene changed to open warfare. The defenders of Derry and the Enniskilleners supported the cause of the revolutionists against James's forces, till the arrival of an English army of 40,000 men under Schomberg, which was afterwards headed by William in person. In order to blacken and calumniate the great body of the Catholics, who at this time from principle and duty obeyed James, to whom they had sworn allegiance, Archbishop King, and after him many of our modern authors, have represented the Irish army as an horde of undisciplined rebels, indulging in the extreme of infuriate licentiousness. His grace lays the whole war to the account of Lord Tyrconnel, who could not be prevailed on to defer sending the army to the North till King James's arrival, *but hastened to make the parties irreconcilable, by engaging them in blood and by letting loose the army to spoil and plunder.* (p. 119.) The truth however is, and it ought not to be suppressed, that the Protestants in the North were worse treated by, and suffered more from William's army in one month, than they had from the Irish army from March to the end of August, when Schomberg landed, although during those five months the Irish army were in possession of the whole province, except the towns of Derry and Enniskillen. Dr. Gorge, who was then secretary to General Schomberg, in writing to Colonel Hamilton, whose estate lay in that country, gives the most pointed refutation of this malevolent untruth of the archbishop.\* In this letter he informs us, how "it was resolved to treat the Irish Protestants of Ulster rather as enemies than friends. That the goods and stocks of the Protestant inhabitants once seized by the enemy were forfeited, and ought not to be restored, but given as encouragement to the soldiers: that their (the Protestants) oaths and complaints were neither to be believed or redressed; that so an easier and safer approach might be made to invade the little left them by the Irish: that free quartering was the least retaliation that Protestants could give, for being restored to their former estates. If you add to these, the pressing of horses at pleasure, denying the people bread, or seed of their own corn, though the general by his public proclamation requires both, and some openly and publicly contemning and scorning the said proclamation, whereby multitudes of families are already reduced for want of bread, and left only to beg, and steal, or starve; these being the practices,

their lawful sovereign. As pieces of historical curiosity, will be found in the Appendix, No. XLIV. the names of those who sat in this parliament, the king's speech to the parliament, their address to the king, the titles of the acts, and the preamble to the bill which passed the commons for repealing the Act of Settlement.

\* This letter being a very valuable document of a part of Irish history most grossly misrepresented, is given in the Appendix, No. XLV.



and these the principles, and both as well known to you as to me, it cannot be wondered that the oppressed Protestants here should report us worse than the Irish. To me it seems most strange, but yet it is true, that notwithstanding all the violence, oppression, and wrong done by these (the Enniskillen and Derry forces), and other of our army, on the impoverished, oppressed, and plundered Protestant inhabitants of this province they have had from us, yet you know what I esteem as a great presage of future good, they continue and remain as firm and faithful to us, as the Irish Papists against us. How frequently do we hear them tell us, that though we continue to injure them, rob and destroy them, yet they must trust in us, and be true and faithful to us." What other testimony can be so conclusive, as the evidence of Schomberg's own secretary, to prove that the Irish Protestants suffered less from the spoil and plunder of Tyrconnel's than Schomberg's army? And that eye witness of the fact, whose interest it was to enhance the excellence and value of William's army, commends the discipline and good government of King James's army, as decidedly superior to those of King William's.

Of all periods in the Irish history the year 1689, is perhaps the most critically important, and requires the chastest colouring. The various acts by which James abdicated the crown of England, viz. by surrendering the executive power, disbanding his army, burning the writs for convening a parliament, casting the great seal into the river, abandoning his post, flying the kingdom, and leaving the invader in possession of the throne, as well as the affections of the majority of the people, could not be pretended to be drawn into a precedent for Ireland, which for want of union, was then an absolutely independent kingdom: the presence of the sovereign, or his deputy, summoning all his liege subjects to their allegiance, bid defiance to all speculative grounds for dispensation or cessation of their former oaths: the resistance made against the attempts of a foreign invader with an army of foreigners, left it no longer dubious, on which side the duty of loyalty called forth every true and faithful subject of the King of Ireland; and the great revolutionary principle emanating from the will of the people in England, operated more than proportionably in the inverse ratio upon Ireland. In order to weigh the conduct of the Irish of that day, in the true scale of impartial justice, it must be cleared of every idea of the then probable, since certain success and happy result of the revolution of 1688: and it will be impossible for any man, who admits that Ireland then was an independent kingdom, that it enjoyed the same constitution as England, that such constitution is formed upon the fair Whig principles upon which the revolution in England was effected, to aver that an Irishman who

had sworn allegiance to King James, summoned by him to defend his person, crown, and country from the invasion of the Prince of Orange, and a foreign army under Marshal Schomberg, willing, like the majority of his countrymen, that the crown of Ireland should be worn by its hereditary monarch, should, in obeying his natural sovereign, become guilty of rebellion and treason, whilst that natural sovereign continued to wear his hereditary crown within his own kingdom. Such *historically* is the case of the Irish, who were *\*legislatively* declared *rebels* and punished as *traitors* for obeying their sovereign, whilst he continued the functions of the executive within the realm of Ireland.

Steadily as the Irish adhered to their sovereign, to whom they owed natural allegiance, which most of them had confirmed upon oath, yet it would be doing them injustice not to allow them the merit of the most depurated loyalty in their attachment to King James. Although he were their natural hereditary monarch, and professed the same religion as the majority of the Irish nation, yet was he far from being in personal favour with them. The conduct of the Stuarts to the Irish had already weaned them from all personal affection for that family :

\* As the parliaments both of England and Ireland have declared the acts of the Irish parliament that sat under James, to be acts of rebellion and treason, we can make no other than an historical use of them. 7 Wm. III c. iii. *An Act declaring all Attainders and all other Acts made in the late pretended parliament to be void.* Forasmuch as since the happy accession of his Majesty King William, and the late Queen Mary of blessed memory, to the imperial crown of England, whereunto this kingdom of Ireland is inseparably annexed, united, and belonging, no parliament could or ought to be holden within this kingdom, unless by their majesties authority ; yet, nevertheless, divers persons, during the late war and rebellion in this kingdom, did, on or about the seventh day of May, one thousand six hundred and eighty-nine, assemble themselves at or near the city of Dublin, without authority derived from their majesties, and in opposition thereto ; and being so assembled, did pretend to be, and did call themselves by the name of a parliament, and acting in concurrence with the late King James, did make and pass several pretended acts or statutes, and did cause the same to be placed and recorded amongst the records and proceedings of parliaments ; all which pretended acts were formed and designed in manifest opposition to the sovereignty of the crown of England, and for the utter destruction of the Protestants and the whole Protestant interest in this kingdom, and are and were null and void to all intents and purposes whatsoever : and whereas their said majesties, out of their pious and princely care of, and for their dutiful and loyal Protestant subjects of this kingdom, and for their better security and relief, by an act of their parliament of England, made at Westminster in the first year of their said majesties reign, were graciously pleased to enact and declare, " That the said pretended parliament, so as " aforesaid assembled at Dublin, was not a parliament, but an unlawful and " rebellious assembly ; and that all acts and proceedings whatsoever, had, made, " done, or passed, or to be had, made, done, or passed in the said pretended " parliament, should be taken, deemed, adjudged, and declared to be null and " void to all intents, constructions, and purposes whatsoever." For which the lords spiritual and temporal, and commons, in this present parliament assembled, do return our most hearty and unfeigned thanks to his most sacred majesty.

the dastardly flight of James from England, without even attempting a stand against his rival, filled with contempt and indignation a people of quick sympathy and natural bravery. James's natural character was reserved and austere, and when he was in Ireland it was rendered morose and petulant from misfortunes; qualities ill-calculated to gain the warm and grateful hearts of a people supereminently sensible to favour or gratification. This unfortunate monarch had, moreover, imbibed an unaccountable dislike to the Irish; and dislikes are generally reciprocal. As little also were the principles, judgment, and feelings of Tyrconnel in unison with those of his sovereign. The Irish, however, never swerving from their allegiance, naturally availed themselves of the personal presence of their sovereign, to attain the objects of their wishes in a constitutional manner; and in these they rather insisted upon, than requested the concurrence of their sovereign.\*

It behoves the historian to represent to his reader the bulk of the Irish nation, which consisted of Roman Catholics, at this time acting under the full conviction, that their loyalty could only be shewn in their obedience to their natural sovereign King James. They could not be bounden to this allegiance, whilst any other part of the nation owed allegiance to another sovereign: it was therefore consistent with their principle, that all who foreswore their allegiance to King James should be treated as rebels and traitors. The Irish Catholics, like all other human beings, must be ever considered to be actuated by the common feelings of social nature. They were sensible of the ascendancy which circumstances had given them over their sovereign, and were naturally encouraged to

\* A singular illustration of this observation is to be found in Lesley, p. 104. "It is a melancholy story (if true) which Sir Theobald Butter, solicitor general to King James in Ireland, tells of the Duke of Tyrconnell's sending him to King James with a letter about passing some lands for the said duke; he employing Sir Theobald in his business, gave him the letter open to read, which Sir Theobald says he found worded in terms so insolent and imposing, as would be unbecoming for one gentleman to offer to another. Sir Theobald says he could not but represent to the duke the strange surprise he was in, at his treating the king at such a rate, and desired to be excused from being the messenger to give such a letter into the king's hands. The duke smiled upon him, and told him he knew how to deal with the king at that time, that he must have his business done: and for Theobald's scruple, he sealed the letter, and told him, now the king cannot suppose you know the contents, only carry it to him as from me. Sir Theobald did so, and says he observed the king narrowly as he read it, and that his majesty did shew great commotion, that he changed colours, and sighed often, yet ordered Tyrconnell's request, or demand rather, to be granted. Thus says Sir Theobald. Many particulars of the like insolence of these Irish to King James might be shewn, but I would not detain the reader; what I have said is abundantly sufficient to shew how far it was from his own inclinations, either to suffer or do such things as were thus violently put upon him by the Irish in his extremity."



make his compliance and assent subservient to their wishes, for what they considered conducive to the interest and welfare of themselves and country. The several acts therefore of this parliament are to be considered rather as the acts of the Irish nation, than the wishes of James ; and they are here noticed, to trace the prospects of national happiness and prosperity, in which the Catholics at that time placed their hopes.

The chief of these acts were the Act of Attainder, and the Act for repeal of the Acts of Settlement.\* The first of these acts, which is usually spoken of by modern historians as the act for attainting Irish Protestants, bespeaks in its title the whole purport and tendency of the act : *For Attainder of divers Rebels, and for preserving the Interest of loyal Subjects*. It contains not one word that relates even remotely to any religious distinction : and the preamble of the act refers wholly to those rebellious and traitorous subjects, who had invited and assisted the Prince of Orange, the king's unnatural enemy, to invade that kingdom. At that time it was not a conflict between Protestants and Catholics, nor between Whigs and Tories, nor yet between an English and an Irish party : it was a broad open contest between *Jacobites* and *Guillamites* ; the former headed by the natural hereditary monarch, who had not resigned or

\* These acts are given in the Appendix, No. XLVI. and No. XLVII. as historical documents ; to neither of which it appears King James was himself disposed : he could not however, particularly as he was then circumstanced, withstand the general wish of his Irish people. Leslie thus speaks of James's conduct in Ireland : (p. 99) " And even as to his carriage in Ireland, I have heard not a few of the Protestants, confess, that they owed their preservation and safety, next under God, chiefly to the clemency of King James, who restrained, all he could, the insolence and outrage of their enemies, of which I can give you some remarkable instances, and good vouchers. I appeal to the Earl of Granard, whether Duke Powis did not give him thanks from King James, for the opposition he made in the House of Lords to the passing the Act of Attainder, and the Act for Repeal of the Acts of Settlement ; and desired that he and the other Protestant Lords should use their endeavours to obstruct them. To which the Lord Granard answered, that they were too few to effect that ; but if the king would not have them pass, his way was to engage some of the Roman Catholic lords to stop them. To which the duke replied with an oath, that the king durst not let them know that he had a mind to have them stop. I farther appeal to that noble lord the Earl of Granard, whether the same day that the news of the driving the Protestants before the walls of Derry come to Dublin, as his lordship was going to the Parliament House, he did not meet King James, who asked him where he was going ? His lordship answered, to enter his protestation against the repeal of the Acts of Settlement : upon which King James told him that he was fallen into the hands of a people who rammed that and many other things down his throat. His lordship took that occasion to tell his majesty of the driving before Derry : the king told him that he was grieved for it ; that he had sent immediate orders to discharge it ; and that none but a barbarous Moscovite (for so he styled General Rosen who commanded that driving, who thereby it seems was bred or born in Moscovy) could have thought of so cruel a contrivance."

abdicated but was defending the crown of Ireland against a foreign invader ; the latter headed by a foreign prince, who, against the will of the majority of the nation, was working his way to the throne of Ireland by the sword, after having been seated upon that of England by the invitation of the people of England, who by James's abdication had found themselves without a supreme executive magistrate. In England the change of government in 1688 was a revolution of principle rather than of violence : in Ireland it was a hard fought conquest. This may be properly termed the first real conquest of Ireland by the sword : the unsuccessful became the *rebel* by the fortune of the day.

Although James were averse from passing the acts I have already mentioned, it is probable that he strongly encouraged another act which passed, *\*for the advance and improvement of trade and for encouragement and increase of shipping and navigation*, which would have operated greatly to the welfare and prosperity of Ireland ; inasmuch as it purported to throw open to Ireland a free and immediate trade with all our plantations and colonies ; to promote ship building, by remitting to the owners of Irish built vessels, large proportions of the duties of custom and excise ; encourage seamen by exempting them for ten years from taxes, and allowing them the freedom of any city or sea port they should chuse to reside in, and improve the Irish navy by establishing free schools for teaching and instructing the mathematics and the art of navigation, in Dublin, Belfast, Waterford, Cork, Limerick, and Galway. If James looked up to any probability of maintaining his ground in Ireland, he must have been sensible of the necessity of an Irish navy : no man was better qualified to judge of the utility of such institutions than this prince. He was an able seaman, fond of his profession ; and to his industry and talent does the British navy owe many of its best signals, regulations and orders. His firmness, resolution, and enterprise, which had distinguished him, whilst Duke of York, as a sea officer, abandoned him when king, both in the cabinet and the field.

The battle of the Boyne, which was fought on the 1st of July, 1690, turned the scale of the kingdom : there William, although he commanded a considerable superiority of forces, attended to the duties of a vigilant, steady, and intrepid general ; he shared the danger of his army, encouraging it by his presence, voice, and example, even after he had been wounded, and pressed by his officers to retire from the action and be more cautious of his person : whilst James stood at a secure distance a quiet spectator of the contest for his crown : so fearful of his enemy,

\* Which see in the Appendix, No. XLVIII.

or diffident of himself or his troops, that his chief concern and preparation before the battle were to secure his personal retreat.\* He fled with precipitancy to Dublin, and from thence to Waterford, where a frigate was ready to convey him back to France. Thus did he leave the worsted relics of his army to make the best stand against the enemy, and procure from him the best terms their personal bravery would entitle them to. The Irish army under Tyrconnel and Sarsfield made a very vigorous resistance against a superior well-disciplined army, acting under the first general of Europe, until they surrendered the town of Limerick, which was their last hold, on the 3d of October, 1691, upon articles† which sufficiently prove in what estimation for valour and steadiness King William held them, even after the many advantages he had gained over them. Thus was Ireland formally and finally reduced by force of arms to the revolutionary government of King William.

The following compendious sketch of this reign, by the late Earl of Clare, shall close this Chapter. “After the expulsion of James from the throne of England, the old inhabitants made a final effort for the recovery of their ancient power, in which they were once more defeated by an English army; and the slender relics of Irish possession became the subject of fresh confiscation. From the report made by the commis-

\* When James, after his flight, arrived in Dublin, he had the ungracious imprudence to reflect upon the cowardice of the Irish. According to a printed account, in the nature of a bulletin, circulated through London at the time of these transactions in Ireland: “At five this morning, being Wednesday, the 2d of July, King James having sent for the Irish lord mayor and some principal persons to the castle, told them, that he found all things against him; that in England he had an army which would have fought, but they proved false and deserted him; that here he had an army which was loyal enough, but would not stand by him: he was now necessitated to provide for his safety, and that they should make the best terms for themselves that they could. He told his menial servants, that he would have no further occasion to keep such a court as he had done, and that therefore they were at liberty to dispose of themselves. He desired them all to be kind to the Protestants, and not injure them or their city; for though he quitted it, he did not quit his interest in it: and so with two or three in company he went to Bray, and along by the sea to Waterford; having appointed his carriages to meet him another way. We hear he did not sleep till he got on ship-board; and having been once driven in again, is since clear gone off.” It is also reported, that when James arrived late at night at the castle, the Lady (then styled Dutchess) Tyrconnel received him with the most sympathizing respect and condolence, when the king sarcastically complimented her upon the alertness of her runaway countrymen; to which with becoming spirit, she replied, that his majesty had at least the advantage of any them. There is no question, but that the Irish would have stood by James to the last, had he not so shamefully fled. Although his army retreated in good order, so as to command the admiration of the enemy, yet, indignant at the dastardly conduct of their commander, they cried out generally to the enemy, as they retreated, “exchange kings and we will fight the battle over again.”

† For which see Appendix, No. XLIX.



“ sioners appointed by the parliament of England in 1698, it  
 “ appears, that the Irish subjects outlawed for the rebellion of  
 “ 1688, amounted to three thousand nine hundred and seventy-  
 “ eight, and that their Irish possessions, as far as could be com-  
 “ puted, were of the annual value of two hundred and eleven  
 “ thousand six hundred and twenty-three pounds ; comprising  
 “ one million sixty thousand seven hundred and ninety two  
 “ acres. This fund was sold under the authority of an English  
 “ act of parliament, to defray the expences incurred by England  
 “ in reducing the rebels of 1688 ; and the sale introduced into  
 “ Ireland a new set of adventurers.

“ It is a very curious and important speculation to look back  
 “ to the forfeitures of Ireland incurred in the last century. The  
 “ superficial contents of the island are calculated at eleven mil-  
 “ lion forty-two thousand six hundred and eighty-two acres.....  
 “ Let us now examine the state of forfeitures :

	<i>Acres.</i>
“ In the reign of James I. the whole of the pro- vince of Ulster was confiscated, containing - -	2,836,837
“ Set out by the Court of Claims at the Restoration	7,800,000
“ Forfeitures of 1688 - - - - -	1,060,792
	<hr/>
Total	11,697,629

“ So that the whole of your island has been confiscated, with  
 “ the exception of the estates of five or six families of English  
 “ blood, some of whom had been attainted in the reign of Henry  
 “ the VIIIth, but recovered their possessions before Tyrone’s  
 “ rebellion, and had the good fortune to escape the pillage of  
 “ the English republic inflicted by Cromwell ; and no inconsi-  
 “ derable portion of the island has been confiscated twice, or  
 “ perhaps thrice, in the course of a century. The situation  
 “ therefore of the Irish nation at the Revolution, stands unparal-  
 “ leled in the history of the inhabited world. If the wars of  
 “ England carried on here, from the reign of Elizabeth, had  
 “ been waged against a foreign enemy, the inhabitants would  
 “ have retained their possessions under the established law of  
 “ civilized nations, and their country have been annexed as a  
 “ province to the British empire.”



## P A R T III.

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### OF THE STATE OF THE IRISH NATION, FROM THE REVOLUTION UNDER JAMES II. TO THE CLOSE OF THE UNION.

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#### CHAPTER I.

THE REIGNS OF WILLIAM AND MARY, AND WILLIAM.

THE Revolution of 1688 opens to our view a new scene of Irish politics. Whatever civil advantages were gained or established at that epoch in England, vainly do the Irish look up to it, as the æra of their commencement or improvement of constitutional liberty. Then more than ever was Ireland treated as a conquered people, its independence violated, its national consequence and dignity debased. It appears to have been the systematic policy of the British cabinet of that day, not only to trample on the rights of the individuals, through their immediate governors, but to extinguish the very idea of an independent legislature in Ireland.\*

\* Mr. Burke, viewing this situation of his country as a statesman and a philosopher, has left a masterly portrait of it. (*Letter to Sir Her. Lang. p. 44.*)  
“ By the total reduction of the kingdom of Ireland in 1691, the ruin of the native Irish, and in a great measure too of the first races of the English, was completely accomplished. The new interest was settled with as solid a stability as any thing in human affairs can look for. All the penal laws of that unparalleled code of oppression, which were made after the last event, were manifestly the effects of national hatred and scorn towards a conquered people, whom the victors delighted to trample upon, and were not at all afraid to provoke. They were not the effects of their fears, but of their security. They who carried on this system, looked to the irresistible force of Great Britain for their support in their acts of power. They were quite certain, that no complaints of the natives would be heard on this side of the water, with any other sentiments than those of contempt and indignation. Their cries served only to augment their torture. Machines which could answer their purposes so well must be of an excellent contrivance. Indeed at that time in England the double name of the complainants, *Irish* and *Papists*, (it would be hard to say singly, which was the most odious) shut up the hearts of every one against them. Whilst that temper prevailed in all



When we throw back our attention to the circumstances of those days, it appears unaccountable, that the articles of Limerick, to which the great seal of England had been affixed, should have been so quickly and so barefacedly infringed in the face of the nation. Two months had not elapsed, when, according to the testimony of Harris, the avowed encomiast of William, the lords justices and General Ginkle endeavoured to render the first of those articles of as little force as possible. Nay, \* “the justices of the peace, sheriffs and other magistrates presuming on their power in the country, did, in an illegal manner, dispossess several of their majesties subjects not only of their goods and chattels, but of their lands and tenements, to the great disturbance of the peace of the kingdom, subversion of the law, and reproach of their majesties government.” So little delicate was the government, at this time, of the observance of them, that Harris scrupled not to confess, that “Capel, lord justice in 1693, proceeded as far as it was in his power to infringe the articles of Limerick.”† We shall be less surprised at this open violation and defiance of the articles of Limerick, when we consider that they were boasted of by the friends of James as the most advantageous capitulation recorded in the annals of war, and for that amongst other reasons they were condemned by the Irish Protestants, and some of the most violent Whigs in England, as dishonourable to the arms of William and unjust to his best friends in Ireland. The Irish Protestants more apprehensive of their own danger from the comparative paucity of their numbers, than their brethren in England, more severely censured the moderation of William in consenting to articles favourable to their opponents, and lamented their having perhaps lost for ever the advantage of crushing the Catholics, with some signal aggravation of rigour, that should take away the possibility of their raising their heads again. In no sense could the Revolution of 1688 be termed any thing else to the Irish than a mere conquest, and a conquest of the harshest

“its force to a time within our memory, every measure was pleasing and popular, just in proportion as it tended to harass and ruin a set of people, who were looked upon as enemies to God and man; and indeed as a race of bigoted savages, who were a disgrace to human nature itself.”

\* Harris’s Life of King William, p. 357.

† Ibid. p. 350.

It appears also from a letter of the lords justices of the 19th of November, 1691, that their lordships “had received complaints from all parts of Ireland of the ill treatment of the Irish who had submitted, had their majesties protection, or were included in articles: and that they were so extremely terrified with apprehensions of the continuance of that usage, that some thousands of them, who had quitted the Irish army, and went home with a resolution not to go to France, were then come back again, and pressed earnestly to go thither, rather than stay in Ireland, where contrary to the public faith as well as law and justice, they were robbed of their substance and abused in their persons.”

nature, inasmuch as it was not followed up by a participation of civil rights and liberties between the conquerors and conquered, but acted upon as a new ground for imposing additional severities upon the former grievances of the vanquished. "It was, (as Mr. Burke observed, in defiance of the principles of our Revolution) the establishment of the power of the smaller number, at the expence of the civil liberties and properties of the far greater, and at the expence of the civil liberties of the whole." Under the imperious circumstances of a great nation's recovering from the agonies of a long and bloody contest, it might have been expected, that some things should have been necessarily done by the executive, until the legislative power could be conveniently called upon to ratify and confirm them. But although Ireland, as an independent kingdom, claimed, under William, the same rights which it had enjoyed under his predecessors; yet did the parliament of England usurp the right of legislating for Ireland, in as free and uncontrolled a manner, as if Ireland had no right to a parliament of its own. Thus in the year 1691, before William had convened an Irish parliament, the English parliament passed an act to alter the laws of Ireland, upon the most essential and fundamental rights of the subject, by excluding the Roman Catholics, who then composed the decided majority of the nation, from a seat in either House of Parliament.\* And when a pure Protestant parliament had been convened in the year 1692, so little satisfied with it was the parliament of England, that they continued their legislative encroachments upon Ireland, by enacting whatever laws they thought proper for regulating and settling the legal, civil, military, and ecclesiastical departments in Ireland, for checking their commerce and disposing of their property. The Roman Catholics being shut out of parliament, either withdrew or were driven out of the field of politics. Their submissive forbearance under a most severe extension of the penal code during the present and subsequent reign, is the single point relating to them which has arrested the notice of any historian of that day. This bulk of the nation had a physical, not a political existence; nor were they ever brought under the consideration of the government, but as objects of some new rigour or severity.

In the higher orders, the progress of the Reformation had latterly been much more rapidly extended than formerly. And the English who were now domiciliated in Ireland, were, from plantations, forfeitures, and other causes, surprisingly multiplied.

\* Viz. 3 William and Mary, c. ii. *An act for the Abrogating the Oath of Supremacy in Ireland, and appointing other Oaths.* It must also be remarked, that the 11th section of this act contains an exception of persons comprised in the Articles of Limerick, which amounts to a legislative recognition of them.

These two descriptions of persons, whose ultimate aim in the former reigns had been to acquire an ascendancy over the old native Catholic interest of the country, now began to consider themselves an independent Irish interest : and although the Revolution did not let in the Irish nation immediately to those civil rights and liberties which it imparted or secured to England, yet it enkindled in those who gave into it, a spirit of freedom, which disposed them to insist upon the constitutional rights of Irishmen.

In no sense whatever did the Revolution of 1688 open to Ireland any of those constitutional blessings which were so strongly asserted by it in England. The supporters of the Whig interest in Ireland, differed from those who forwarded the Revolution in England, in principle, in action, and in views. The Irish Whigs of that day were the relics of the Oliverian party, avowing no other principle than that of retaining the monopoly of the power of the few, over the bulk of the nation ; acting upon them with arbitrary severity, in order to rivet the whole native power of the country in disgraceful and everlasting thralldom. So deeply rooted was this *pseudo Whiggism* of 1649, implanted in most of the Irish Protestants of that day, that the lapse of more than a century has not eradicated it. It will be the candid duty of the historian, to trace its progress and operation upon the nation at large, and to discriminate between their political conduct towards their country, and that of another Protestant party, who have from time to time endeavoured to set up the genuine principles of the English Revolution, against the systematic abuse of them by their Protestant opponents in Ireland.\* It has been observed by a late respectable historian,† that “ the persons whom the king appointed lords justices, discovered an arbitrary spirit, and great partiality in the dispensation of justice : the trial of crimes was often conducted in a summary way, and without regard to the essential forms of law : evidence was suppressed with the connivance of the judges, the principal transgressors were acquitted, whilst those who acted under their direction and influence, suffered the extreme vengeance of the laws. But in no case did the management of the justices appear more iniquitous and oppressive than in regard to the Irish forfeitures. The most beneficial leases were not only retained for themselves and their

\* This is the important clue that can alone lead the reader through the intricate mazes of historical misrepresentation, to a fair unbiassed judgment and an unclouded view of the present state of Ireland. Out of this ground of difference arises the modern distinction between the true constitutional Whig and Orangeman of Ireland, to which, in the proper time and order, I must draw the attention of my reader.

† Somerville's History, 1 vol. p. 486.



“ friends, but in the competition for estates and farms, the  
 “ lowest bidders were sometimes preferred, which unavoidably  
 “ led to the suspicion of secret compensation being made them  
 “ for flagrant breach of trust. These misdemeanors and the  
 “ grievances occasioned by them, produced complaints and dis-  
 “ affections, which were made the ground of specific charges,  
 “ presented to the legislature in both kingdoms. Enquiries  
 “ were instituted; important discoveries were made; but the  
 “ extreme intricacy and tediousness of this business, the private  
 “ concerns of the parties in England, and the industry of pow-  
 “ erful individuals, who were not themselves free from all ac-  
 “ cession to the guilt alleged, prevented any effectual redress of  
 “ public abuses, and the punishment of state delinquents.”

Lord Sydney having been created lord lieutenant, immediately issued writs and convened a parliament; the primary object of which was to raise supplies to discharge the debts contracted during the war. There had been no parliament in Ireland, except that which sat under James, for the last twenty-six years: and although the parliament of England had undertaken to legislate for Ireland on the most important matters of state, yet had it not proceeded to the extent of raising money directly upon the people of Ireland. The Irish parliament could not be insensible of the encroachments made on their independence; they felt their consequence, and manifested by their conduct their resentment of these measures of government. The commons consented to grant a sum not exceeding 70,000*l.* pleading the inability of the people from the calamities of the late wars to encrease the grant. They considered it to be their indisputable right to determine in the first instance both the sum and the manner of raising every supply granted to the crown. In violation of this privilege, two money bills, which had not originated with them, were transmitted from England, and laid before the House of Commons. In resentment of this encroachment upon their privileges, they rejected one of them, and from the extreme urgency of the case alone they consented to pass the other; but not without having entered very pointed resolutions upon their journals in support of their rights.\* His ex-

\* 2 Journ. 28. “ 21st of October, 1692. *Resolved*, that it was, and is the sole  
 “ and undoubted right of the commons of Ireland, in parliament assembled, to  
 “ prepare and resolve the ways and means of raising money. *Resolved*, that  
 “ it was, and is the undoubted right of the commons to prepare heads of bills  
 “ for raising money. *Resolved*, that notwithstanding the aforesaid rights of  
 “ the commons, this house doth think fit, upon consideration of the present  
 “ exigencies of affairs, and the public necessity of speedily raising a supply for  
 “ their majesties, to order that a bill, transmitted out of England, intituled,  
 “ An Act for an additional Duty of Excise upon Beer, Ale, and other Liquors,  
 “ be now read: whereupon the said bill was read the first time, and ordered a  
 “ second reading to-morrow morning at 10 o'clock. *Resolved*, *nemine contra-*

cellency was highly enraged at these resolutions, and in his speech, upon proroguing the parliament, he severely reprimanded them for having, in contravention of the design of their meeting, undauntfully and ungratefully invaded their majesties prerogative. The commons requested permission to send commissioners to England, in order to lay a full and impartial statement of their conduct before their majesties; when they were tauntingly assured by the lord lieutenant, that *they might go to England to beg their majesties pardon for their seditious and riotous assemblies.* The lord lieutenant in justification of his conduct procured the opinion of the judges against the right, which the commons claimed of having money bills originate with them. This unexpected and ungracious prorogation created general discontent: several bills of importance remained to be perfected, several grievances to be redressed. Sydney became unpopular; and government found it prudent to recal him.

Upon the removal of Lord Sydney, the government was vested in three justices, Lord Capel, Sir Cyril Wyche, and Mr. Duncombe. Difference of principle disunited their government, which shortly after was concentrated in Lord Capel, as lord deputy. He best knew the disposition and wishes of the English cabinet, and warmly espoused the interest of the English settlers, and as eagerly opposed the claims of the Irish under the articles of Limerick. Sir Cyril Wyche and Mr. Duncombe, regardless of court favour, sought impartially to give the full effect to the articles of Limerick, upon which the court party and the Protestants in general, looked with a jealous eye, as prejudicial to their interest. The inflexibility of Wyche and Duncombe soon worked their removal: and the accommodating zeal of Capel enabled him to displace all those who thwarted his designs.... Several changes were made in the administration, and a new parliament was convened.

The business of this session was at first undisturbed, and the supplies which had been required, were quietly granted. Several

“*dicente*, that the receiving or reading of the said bill, so transmitted as afore-  
 “said, be not drawn into precedent hereafter. 28th of October, 1692. A  
 “motion being made, and the question being put, that a bill now on the table,  
 “intituled, An Act for granting to their Majesties certain Duties for one  
 “Year, might be read, it passed in the negative. *Resolved*, that the said bill  
 “be rejected by this house. *Resolved*, that it be entered in the Journal of this  
 “house, that the reason why the said bill was rejected, is, that the same had  
 “not its rise in this house.” On the 3d of November, 1692, the lord lieutenant,  
 in a very angry speech, prorogued the parliament, in which he severely reprobated these resolutions, and required the clerk to enter his protest (*quod vide* in Appendix, No. L.) against them, that it might remain as a vindication of their majesties prerogatives and the right of the crown of England in these particulars to future ages. After two prorogations, this parliament was dissolved on the 5th of September, 1693.

new penal statutes were enacted against the Catholics;\* some of which were in direct contravention to the articles of Limerick. Yet a law was made in this parliament for the confirmation of these very articles:† but which in fact was an abridgement rather than a confirmation of them in several instances.‡ Notwithstanding the tide of courtly prejudice against the tendency and observance of these articles, Sir Charles Porter, the chancellor, nobly dared to stand up in support of them. This conduct of the chancellor brought upon him the whole vengeance of the castle. The lord deputy is reported, with the assistance of his friends and creatures, to have procured a charge to be fabricated against him, by which he was accused of designs hostile to government. In support of the accusation, a motion was made in the House of Commons, but on being heard in his own justification, he was most honourably acquitted.

However glorious in the cause of civil freedom were the exertions of our ancestors at the revolution, yet the unbiassed mind must necessarily doubt the purity of their patriotism, when it contemplates the English parliament and government opposing that very liberty in Ireland, which they so zealously supported in England. The fermentation between England and Ireland became alarming. It was no longer a contest between a conqueror and an oppressed people, reclaiming their natural, civil, or religious rights. The bulk of the nation was so dispirited and reduced under their sufferings, that their feeble moans were scarcely heard on their own shores, much less across St. George's Channel: they existed only as the passive objects of persecution. The conflict was with that very Protestant ascendancy in Ireland, which it had been the primary policy of the English cabinet for the last century to establish, and which now only had been effectually accomplished. It was impossible that civil liberty should make the progress it did in

\* Such were, An Act to restrain foreign Education, 4 William and Mary c. iv. An Act for the better Securing the Government by disarming Papists, 4 William and Mary c. v....An Act for banishing all Papists exercising any Ecclesiastical Jurisdiction, and all regulars of the Popish Clergy out of the Kingdom, 9 William III. c. i. An Act to prevent Protestants intermarrying with Papists, 9 William c. iii. An Act to prevent Papists being Solicitors, 9 William c. xiii.

† An Act for the Confirmation of Articles, made at the Surrender of the City of Limerick, 9 William III. c. ii.

‡ Whilst this bill was pending, a petition was presented by Mr. Cusac and some few, on behalf of themselves and others, comprised in the articles of Limerick, setting forth that in the bill there were several clauses, that would frustrate the petitioners of the benefit of the same: and if passed into a law, would turn to the ruin of some, and the prejudice of all persons entitled to the benefit of the said articles, and praying to be heard by counsel to the said matters: which having been presented and read, it was unanimously resolved, that the said petition should be rejected. 2 *Journ. Com.* p. 194.



England, and that Ireland should be more than insensible of its blessings. The Irish legislature was called upon, to surrender and renounce those very rights, which the English parliament had so gloriously asserted. Mr. Molyneux, one of the members for the university of Dublin, a very popular character, was the most forward in the cause of Irish patriotism. In 1698, he published his famous book, intituled "*The Case of Ireland's being bound by Acts of Parliament in England stated*," which greatly encreased his reputation, influence and popularity within and without the parliament of Ireland.\*

This book was written in a strain of independent discussion and spirited assertion, to which Ireland had hitherto been a stranger. The author considered how Ireland originally became annexed to the crown of England, how far this connection was founded in conquest, what were the true and lawful rights of the conquerors over the conquered, and whether those rights, whatever they might be, extended to posterity indefinitely; and finally, what concessions had been made to Ireland, and what were the opinions of the learned, who had handled the subject: he closed with strong inferences in support of a perfect and reciprocal independence of each kingdom upon the other.† As

\* The Bishop of Derry, who published his book in 1723, and dedicated it to William Conolly, Esq. the then speaker of the House of Commons, says, p. 138, "that this gentleman was allowed by every body, to write like a person of good parts, good learning, and good breeding: and it was generally thought an excusable failure in his case, if his zeal for the honour and interest of his native country sometimes exceeded his knowledge. But it so happened, that immediately upon the publishing of his book, the English House of Commons made an humble address to the king, wherein they took notice of *dangerous attempts lately made by some of his subjects in Ireland, to shake off their subjection and dependance upon England*, taking also particular notice of *the bold and pernicious assertions of this writer*. Hereupon, adds this learned prelate, several dabblers in English laws and politics, looked upon themselves as called to arms." The intemperate violence of the English commons on this occasion appears from a paragraph in the first form of their address, which upon a second reading was prudently omitted; namely, "and that your majesty would be pleased to order copies of the journals of the last parliament, and so from time to time of all succeeding parliaments of Ireland, to be transmitted into England, in order to be laid before the parliament here, and to discourage all things, which may in any degree tend to lessen the dependance of Ireland upon England." *Eng. Journ. Com.* 30 June, 1698. It is singular, that from the surrender of Limerick, no public charge or accusation of any attempt to throw off their dependance upon the crown of England was ever raised against the Roman Catholics of Ireland. This charge and interference by the English commons have been ever considered by the Irish, as unwarrantable and unconstitutional. The body of Catholics was in no manner implicated in it. This publication of Mr. Molyneux was the first effort of notoriety made in Ireland by an Irish Protestant in favour of the civil liberty of Ireland.

† As it was upon the principle and admission of such previous independence that the union was ultimately effected, nothing can more forcibly illustrate the mischief of that gross anomaly in politics, *imperium in imperio*. It is a metaphysical truth, that all independence must be reciprocal: and therefore it becomes a matter of more astonishment, that Mr. Molyneux's arguments

by the first act, which the Irish legislature passed under William and Mary, they had especially recognised, that “ the kingdom of Ireland was annexed and united to the imperial crown of England, and by the laws and statutes of this kingdom (Ireland), was declared to be justly and rightfully depending upon and belonging and for ever united to the same,” it was clearly impossible to reconcile the theory of perfect independence with the practice: the very exigencies of human policy required, that the predominancy of the power of England should, throughout every department of Irish government and legislation, command an ascendancy, against which the only remedy lay in an incorporate union. With reason then did the late Lord Clare assure the House of Peers on the 10th of February, 1800, “ that our ancestors saw the seeds of disunion in the connection, which at this time subsisted between Ireland and England.”

\* The English House of Commons took up the gauntlet with a high hand: a committee was appointed to examine Mr. Molyneux's book, and to report such passages as they should find denying the authority of the parliament of England, and also what proceedings had taken place in Ireland, that might occasion the said pamphlet. On the 22nd of June, 1698, the committee reported the obnoxious passages, and stated, that on enquiry into the proceedings in Ireland, which might occasion the pamphlet, they found in a bill transmitted under the great seal of Ireland, during the late parliament there, intituled, “ a Bill for the better Security of her Majesty's Person and Government,” that the whole of an act passed in England for abrogating the oath of supremacy in Ireland, and appointing other oaths, was re-enacted with some alterations; and that in the same bill, the crown of Ireland was styled the imperial crown of Ireland. Upon this report, the house resolved *nemine contradicente*; “ that the book published by Mr. Molyneux was of dangerous tendency to the crown and people of England, by denying the authority of the king and parliament of England to bind the kingdom and people of Ireland, and the subordination and dependance, that Ireland had and ought to have upon England as being united and annexed to the imperial crown of England.”

which it is understood had been revised and perused by his friend the great Lock, and from whose works several of them had been borrowed, should have met with so different a reception from the advocates and supporters of the principles of the revolution in England. Two persons attempted to answer Mr. Molyneux's book, Mr. Atwood, and Mr. Cary: the latter with infinitely more ability than the former. Atwood was a barrister, and Cary a Bristol merchant. Of their works the Bishop of Derry said: “ the merchant argues and pleads like a counsellor at law: and the barrister strings his small wares together like a shopkeeper.” (*Hist. Lib. p. 139.*)

\* Speech of the Earl of Clare, p. 22.

They resolved also, "that the bill lately transmitted from Ireland, whereby an act of parliament made in England expressly to bind Ireland, is pretended to be re-enacted, had given occasion and encouragement to forming and publishing the dangerous positions contained in the said book." The house in a body presented an address to the king, enlarging in terms of great indignation on the book and its pernicious assertions, and on the dangerous tendency of the proceedings of the Irish parliament; beseeching his majesty to exert his royal prudence to prevent their being drawn into example, and to take all necessary care, that the laws which directed and restrained the parliament of Ireland in their actings, should not be evaded; and concluding with an assurance of their ready concurrence and assistance in a parliamentary way, to preserve and maintain the dependance and subordination of Ireland to the imperial crown of England. The king answered, "that he would take care, that what was complained of should be prevented and redressed as the commons desired." Thus were the parliaments of the two countries at issue.

It has been the fate of Ireland to experience more harshness from the English government, than any other part of the British empire: on none has the hand of the conqueror pressed so heavily. The inflexible tenacity of the Irish to their old religion has been generally and not without reason, assigned as the cause of it. Yet singular it is, that under a sovereign, who was called over by the nation as the assertor and protector of their rights and liberties, and under the first Irish parliament, which consisted purely of Protestant members, the absolute paramount sovereignty of England was more loftily claimed and sternly exerted than at any other period. The laws by which the English legislature prohibited the exportation of wool and woollen manufactures from Ireland, upon pain of confiscation, imprisonment, and transportation, and by which no acquittal in Ireland of any offence against these statutes was allowed to be pleaded in bar of any indictment upon them within the kingdom of England, were considered as grievous usurpations upon the independent constitutional<sup>\*</sup> rights of Ireland. The English parliament's interference also with the Irish forfeitures created a new and most inveterate ground of jealousy and rancour between the two legislatures.

Although William had been called to the British throne for the avowed purpose of protecting our civil rights and liberties,

\* It evidently contradicts the first principles of our constitutional jurisprudence, that a free subject after having been tried upon a penal statute in his own country and acquitted, may be dragged to a foreign land to undergo a second trial for the same offence, without the advantage of a jury of his countrymen and peers, and probably without witnesses for his defence, or resources for his support.



yet no monarch was ever more thwarted by his parliament in his views and inclinations towards his subjects. It might be unfair to charge him with the odium of several public measures, which the violence of party compelled him to yield to. The strong measure of withholding the royal assent from bills, that had passed the two houses of parliament, could not be expected from William, who so peculiarly held his crown by parliamentary tenure. On no occasion were his feelings so severely wounded by the imperious ascendancy of his English parliament, as on passing the act for resuming the forfeited estates in Ireland. William had exercised his discretion in making grants of the forfeited lands in Ireland to several, who had either deserved well of their country, or had acquired interest at court. The commons of England were jealous of the king's favours, and charged his majesty with the breach of promise, that he would not grant away any of those lands, but permit them to be sold for the use of the public, in order to clear the heavy expences of the late war. They accordingly resolved to set aside the seventy-six grants he had made. By act of parliament, a commission of seven persons was instituted, to enquire into the value of the confiscated estates which had been disposed of, and into the reasons, upon which they had been alienated from the public. There certainly was some personal resentment against the king, in instituting the scrutiny into the reasons of the royal grants. The interference of the English parliament with these concerns of Ireland, was unwarrantable, whilst Ireland had an independent parliament of their own. The English parliament, however, assuming a general tutelary power over every part of the British empire, actually resumed these grants, which they considered the king to have made inconsiderately and extravagantly. The majority of these commissioners were strongly in the interest of the parliament, the other three were more pliant to the wishes of the crown.\* The variances between the two contending parties were productive of this beneficial effect to Ireland, that the eyes of the nation were completely opened to the abuses, which prescription seem-

\* The court commissioners were Henry Earl of Drogheda, Sir Richard Levings, and Sir Francis Brewster; the parliament commissioners were Francis Annesly, John Trenchard, James Hamilton, and Henry Langford, esquires: these four alone signed the report, which is to be seen in the Appendix, No. LI: it accounts for the appropriation of 1,060,792 acres. It would be difficult to point out the signal services rendered by Mrs. Elizabeth Villiers (she was Countess of Orkney in 1695) in the reduction of Ireland, that entitled her to a grant of 95,649 acres, then worth, per annum, 25,995*l.* 18*s.* as will be found by this report. It is to be remarked, that in the seventh article of impeachment against Lord Somers, is contained a charge, that he did advise, promote, and procure divers like grants of the late forfeited estates in Ireland, in contempt of the advice of the commons of England. 3. *vol. Parl. Hist.* p. 151.

ed to have sanctioned in the appropriation of Irish forfeitures : and which the Irish legislature had hitherto been ever either unable or unwilling to resist. In this contest the country party prevailed, and\* there having been divers groundless and scandalous aspersions cast upon the four commissioners who were of that party, the commons resolved, that they had acquitted themselves in the execution of that commission with understanding, courage, and integrity : and Sir Richard Leving, one of the other three commissioners, was committed to the Tower for having been the author of those reports. Ireland on this occasion was doomed to suffer on both sides ; on one from the extravagant grants of the forfeited lands to court favourites, in lieu of applying them to the discharge of the national incumbrances, on the other, by the usurpation and encroachment of the English parliament over the independent sovereignty of the parliament of Ireland. The rights of Ireland were wholly lost in the heat of the contest between the court and country party. The former wishing to reserve some at least of the forfeited lands to the disposal of the crown, put the question, which passed in the negative, and on the next day it was resolved, “ that the advising, procuring, and passing the said grants of the “ forfeited and other estates in Ireland, had been the occasion “ of contracting great debts upon the nation, and levying heavy “ taxes upon the people : and that the advising and passing the “ said grants was highly reflecting on the king’s honour : and “ that the officers and instruments concerned in the procuring and “ passing these grants, had highly failed in the performance “ of their trust and duty.” Soon after the act of resumption passed, and the violence done to the king’s feelings in giving the royal assent to it, made a deep impression on his mind and spirits, from which he never rallied to the hour of his death. His majesty’s extreme displeasure was expressed in his speech to the commons, when they addressed him in relation to the Irish forfeitures. “ †Gentlemen, I was not led by inclination, “ but thought myself obliged in justice to reward those, who “ had served well and particularly in the reduction of Ireland “ out of the estates forfeited to me by the rebellion there, &c.” Which answer, when the speaker reported it, the commons so highly resented, that they resolved, “ that whoever advised “ it, had used his utmost endeavours to create a misunderstanding and jealousy between the king and his people.” The soreness of King William on this occasion is fairly accounted for by the observation, that ‡“ whereas the late king, who came “ over here a perfect stranger to our laws and to our people,

\* Ibid. p. 122.

† 3 vol. Parl. Hist. p. 122.

‡ Swift’s Hist. of the Four last years of Anne, p. 240.

“regardless of posterity, wherein he was not likely to survive, thought he could no better strengthen a new title, than by purchasing friends at the expence of every thing, which it was in his power to part with.”\*

The principal, if not the only obstacle, which William had experienced in establishing himself completely on the throne, was the resistance of King James’s Irish subjects. They were the first and last in the field in support of the house of Stuart: and although several penal and severe laws were passed during his reign against the Roman Catholics of Ireland, yet it is but justice to allow, that the royal assent given to them by King William, imported no personal disposition in that monarch to harass or persecute his Catholic subjects on the score of religion. He is generally panegyricized for his spirit of toleration, on account of the act passed in the very first year of his reign,† for easing his Protestant dissenting subjects from the penalties of several laws, which then affected them in common with the Roman Catholics. This, however congenial with the feelings of King William, who was himself a Calvinist or Presbyterian, had been previously arranged by the party that brought him over. It appears certain from Harris’s admission and the constant claims of the Irish Catholics, that William had made them a solemn promise to procure them such further security from parliament in the particular of religion, as might prevent them from any future disturbance on that account. In this, however, they were miserably disappointed, not perhaps from that monarch’s want of sincerity and favourable disposition towards them, but from his inability to resist the violence of the party, to which he was compelled to yield, to the sore annoyance of his own feelings. Had William been better treated by his English subjects, he would have appeared more amiable in their eyes: for in Holland, where his temper was not ruffled by disappointment and opposition, he was unexceptionably‡

\* The late Earl of Clare in his speech so often referred to, (p. 25.) speaking of this difference between the two parliaments, tells us, “that the *English colony* (a term strongly marking that the Irish parliament was not then the representative of the Irish nation) however sore they might have felt under the sharp rebuke of their countrymen, were too sensible of the dangers by which they were surrounded and their inability to encounter them, to push this political quarrel to a breach with the English parliament.”

† 1 G. and M. c. 18. An Act for exempting their Majesties Protestant Subjects dissenting from the Church of England, from the Penalties of certain Laws.

‡ Two principal causes however concurred against his being beloved by the generality of his Irish subjects: the first was the enactment of several penal laws against the Roman Catholics; the second was his ready co-operation with the parliament of England to ruin the woollen trade of Ireland. “*I shall*,” said his majesty to the English commons on the 2d of July, 1698, “do all that lies in me to discourage the woollen manufacture in Ireland.”



tolerant and universally beloved. The unexpected death of the Duke of Gloucester, the son of the Princess Anne, in his seventeenth year, and the death of the late King James about the same time, gave rise to the act, by which the crown was settled on the house of Hanover, which was the last act passed in this reign;\* this and the subsequent act of abjuration secured the Protestant succession. William's health had for some time been on the decline, but his dissolution was immediately brought on from a fall from his horse, by which his collar bone was fractured. He died in the fifty-second year of his age, and the thirteenth year of his reign.

\* This act passed on the 7th of June, 1701. 13 *Gul. c.* 6. It is entitled, An Act for the further Security of his Majesty's person and the succession of the Crown in the Protestant Line, and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors. This important event made little sensation in Ireland, as the whole body of Roman Catholics, from whom alone any opposition to it could have been expected, were excluded from the parliament and every interference with public affairs.

## CHAPTER II.

## OF THE REIGN OF QUEEN ANNE.

ANNE, the daughter of James II. who succeeded William, was the last of the line of Stuart that filled the British throne. The glory of the British arms under the Duke of Marlborough has thrown a glare over the historical pages of this sovereign's reign, that has almost obliterated the melancholy effects of the spirit of party, which infected it throughout. In the meridian heat of Whiggism and Toryism nothing was done in moderation: and few of the transactions of that day have reached us in a form unwarped by the prejudices of the narrators. Throughout every part of the British empire, except Ireland, the constitutional rights of the subject ebbed and flowed with the alternate prevalence of these opposite parties. The Irish nation was doomed to suffer under every Stuart: and the ingratitude of this monarch to them may have contributed not slightly to prevent them from relapsing into their former attachment, when other parts of the British empire rose in rebellion in their support. It strongly marks the folly and unreasonableness of coupling the cause of Popery with that of the Pretender, that in the only part of the British empire, which generally submitted to the spiritual power of the Pope, namely Ireland, an arm has not been raised in aid of the Stuarts, since the accession of the House of Hanover to the British throne.

The queen was alternately led down the stream either by the Whigs or the Tories, as their respective parties gained the ascendancy in parliament: the whole political system of her reign was a state of contest, in which the party in power opposed and thwarted their antagonists by measures of extreme violence. This nearly equal contest of the rival parties in England, kept not the same equilibrium in Ireland. The great mass of the people was forced or frightened out of any political interference with state affairs. The queen, who held her crown against the claims of her brother by the tenure of Protestantism, found herself forced to bury the attachments of natural affection under her zeal for the Church, and became forward in yielding to the cries of both parties in oppressing the great body of her Catholic subjects of Ireland. No crimes, no new offences, no attempts against the government were laid to their charge: and a new code of unparalleled rigour was imposed upon this suffering peo-

ple. They had formerly been deprived of their inheritances, they were now prevented from ever again acquiring an inch of land in that kingdom: and they were subjected to further penalties and disabilities for professing the Roman Catholic religion.\* Nothing can more strongly display the abject and abandoned state of the body of the Irish Catholics at this period, than that no man in either house of parliament either dared or chose to stand up in their favour to oppose that act of refined and ingenious rigour *for preventing the further growth of Popery*. Some individuals of the house of commons, who could not altogether reconcile the act to their consciences, by the most disgraceful casuistry affected to clear themselves of responsibility, by resigning their seats to others of a more pliant disposition.† Resignations on this score became so frequent, that the house came to a resolution, “that the excusing of members at their own request, from the service of the house, and thereupon issuing out new writs to elect other members to serve in their places, was of dangerous consequence, and tended to the subversion of the constitution of parliament.” And it was afterwards resolved unanimously, “that it might be the standing order of the house, that no new writs for electing members of parliament in place of members excusing themselves from the service of the house, do issue at the desire of such members, notwithstanding any former precedents to the contrary.” So violent was the tide of prejudice against the Catholics at this time in Ireland, that the British cabinet themselves dared not oppose the very rigour and severity which they disapproved of. The passing of this bill affords the most notable instance of Ireland’s suffering from the abject stratagem of attempting by sinister and secret means, what the honour and justice of the nation called upon the ministers to effect in an open and manly manner. The queen was at this

\* Without entering into a nauseating detail of this new penal code, suffice it to remark with Mr. Burke, “That all the penal laws of that unparalleled code of oppression, which were made after that last event (the Revolution) were manifestly the effects of national hatred and scorn towards a conquered people, whom the victors delighted to trample upon and were not at all afraid to provoke.” (*Lett. to Lang.* p. 44.) And page 87, “You abhorred it, as I did, for its vicious perfection. For I must do it justice. It was a complete system full of coherence and consistency: well digested and well composed in all its parts. It was a machine of wise and elaborate contrivance; and as well fitted for the oppression, impoverishment, and degradation of a people, and the debasement in them of human nature itself, as ever proceeded from the perverted ingenuity of man.”

† These members instead of opposing what they condemned, like Pilate washed their hands before the people, in proof of their innocence. This prevaricating system of debasement has been since too frequently followed by the temporizing or venal secession of members who wanted the effrontery to support a particular measure, which they left to be carried by the votes of their less punctilious substitutes.



time in alliance with the emperor, and upon the strength of it had interceded with him for certain indulgences on behalf of his Protestant subjects: it appeared therefore an ill-judged moment to throw such an oppressive load of persecution upon so large a body of men of his religious persuasion within her states. Her ministers feared the party who had proposed the measure, amongst whom were many Dissenters of great power and influence: they dared not openly to oppose it, but from the ungrateful duplicity of Stuart policy devised the following expedient. They superadded to the bill, already surcharged with cruelty, a clause, by which all persons in Ireland were rendered incapable of any employment under the crown, or of being magistrates in any city, who should not, agreeably to the English Test Act, receive the sacrament according to the usage of the Church of Ireland. To this it was presumed the Dissenters would not have submitted: and so the bill would be lost. The base experiment failed, and this unintended severity fell upon the Protestant Dissenters and the Roman Catholics, not because they merited punishment, but because a timid and insincere ministry had resorted to duplicity and deceit to screen them from it.\*

When this act came into the house of commons loaded with all the severity of intemperate if not factious zeal, and bending under such additional mass of rigour, as the British cabinet had heaped upon it for preventing its passing, no opposition whatever appears to have been raised against it in parliament: no division to have taken place on a single point in any stage of its progress through the houses. Inasmuch as it was conceived by all persons comprised in the articles of Limerick to be a direct violation of those articles, Lord Kingsland and Colonel Brown, with several other Roman Catholic gentlemen, petitioned to be heard by counsel against it, which was granted. After the arguments of Sir Theobald Butler, Mr. Malone, and Sir Stephen Rice of counsel for the petitioners both at the bar of the house of lords and commons had been heard and totally disregarded, the petitioners were tauntingly assured, that if they were deprived of the benefit of the articles of Limerick, it was their own faults, since by conforming to the established religion, they would be entitled to these and many other benefits: that therefore they ought not to blame any but themselves: that the passing of that bill into a law was needful for the security of the

\* Burnett says, "It was hoped by those† who got this clause added to the bill, that those in Ireland who promoted it most, would now be the less fond of it, when it had such a weight hung to it." *History of his own Times*, 2 vol. 214.

† This was Lord Godolphin's ministry.

kingdom at that juncture, and in short, that there was nothing in the articles of Limerick, that should hinder them from passing it.\*

Notwithstanding the generally prevailing execration of Popery, and the universal dread both amongst the Whigs and Tories of standing forward in defence or support of the Catholic body in public, it was not to be expected that the Protestant Dissenters should silently submit to be involved in the severity, which substantially and formally was intended by the parliament of Ireland and the cabinet of England to fall upon the Catholics exclusively ; they accordingly presented a petition to the commons on the occasion of the above-mentioned clause, which has been usually termed the *Sacramental Test*, complaining, that to their great surprise and disappointment they found a clause inserted in *The Act to prevent the further Growth of Popery*, which had not its rise in that honourable house ; whereby they were disabled from executing any public trust for the service of her majesty, the Protestant religion or their country, unless contrary to their consciences, they should receive the Lord's Supper according to the rights and usages of the established church.† This parliament was disposed to favour the Dissenters, inasmuch as they joined with them in the common cause against the body of Catholics ; but their horror of Popery outbalanced their tenderness for Presbytery, and they prevailed by fair words with the Dissenters to withdraw their opposition to the bill, on a specious promise, that the clause obnoxious to them should be repealed in their favour. Cruelty and injustice generally go hand in hand. Not only the clause affecting the Dissenters, whose punishment could in no shape check the growth of Popery, was left unrepealed, but during this queen's reign it was frequently carried into the most rigorous execution. In October 1707, the commons came to the resolution, that by *The Act to prevent the further Growth of Popery*, the burgesses of Belfast were obliged to subscribe the declaration and receive the Sacrament according to the usage of the Church of Ireland :

\* Debates on the Popery Bill, 2 Anne. It has always been urged by the sufferers under the penal laws passed against the Roman Catholics since the Revolution, that they were made in violation of the public faith as pledged by the articles of Limerick. For the satisfaction therefore of those, who may wish to investigate the question, the arguments of counsel before the commons on the 22d of February, and before the lords on the 28th of February 1703, are given in the Appendix, No. LII. Mr. Arthur Brown, in 1788, one of the representatives for the university of Dublin, published a very warm pamphlet to rebut this charge, which he conceived tended to bring odium on the Protestant interest. It is written in the extreme heat of party.

† This was the clause inserted by the English cabinet, in order to prevent the bill's passing into a law : they foolishly supposing, that the Irish parliament would check their zealous hatred to Popery, on account of the injury they might thereby bring upon the Protestant Dissenters. See their petition in the Commons' Journ. 2 vol. 451.

and that the burgesship of the said burgesses of Belfast, who had not subscribed the declaration and received the Sacrament pursuant to the said act was by such neglect become vacant.\* It is difficult even at this distant period to trace to its true source that overbearing principle, under which the Irish Catholics were so severely punished during this reign. The ingratitude of the house of Stuart, to those, who had been the first and the last to fight for them in their distresses, seemed to have communicated its baneful contagion to all its dependants and favourites. In the front of their domestic enemies, the Irish had once more to read the treacherous name of Ormond. The grandson of that Duke, who had so notoriously aggrandized his patrimony by betraying the cause of his king and his countrymen, was sent over by the queen in quality of lord lieutenant. Scarcely had he arrived, when the commons† relying probably on his hereditary propensities to oppress his suffering countrymen, presented to him the Bill to prevent the further Growth of Popery; his grace was pleased to give them his promise, that he would recommend it in the most effectual manner, and do every thing in his power to prevent the growth of Popery. It exceeds the function of the historian to attempt to fathom the sincerity of the actors of those scenes, which it is his duty to represent. This very Duke of Ormond, who in the year 1704 received the warmest thanks of the Irish parliament for having procured for them this barrier to the Protestant religion, (as it was then termed) was in the lapse of some few years convicted of high treason, and a reward of 10000*l.* was put upon his head, for having deserted his Protestant sovereign and adhered to a Popish pretender to the throne. At the opening of this very parliament, the lords agreed “to an address by way of thanks to her majesty, for her great care of her subjects of this kingdom in sending his Grace the Duke of Ormond lieutenant thereof.”‡

\* Vide Commons’ Journ. 2 vol. 564, upon the petition of the Dowager Countess of Donegal on behalf of her infant son, the question arose upon a contested election for that Borough, and thereupon the above resolutions were entered into.

† Vide Burnett’s History of his own Times, 2 vol. 214.

‡ At this time, it has been remarked by Dr. Sommerville (2 vol. page 280) that, “the extreme oppression and misery endured by the Irish cannot be represented in stronger colours, than by the bare detail of facts, which appear in the journals of parliament. Multiplied instances occurred almost every session of the abuse and perversion of power by magistrates and justices of peace: the frauds of contractors and the monstrous cruelties inflicted by officers in the recruiting service, which exhibit a complexion of manners little removed from barbarism. See particularly the proceedings of the commons on the complaint and petition of Agmondesham Cuffe against Major Francis Flood, a member of the house of commons, 7th of June 1705, and on the petition of Eustace Sherlock against Maurice and John Annesley, 9th of June.”



No period of the Irish history more strongly illustrates the advantages of an incorporate union between Great Britain and Ireland than the reign of Queen Anne: it verifies to the letter, the trite observation, that if no other benefit were to arise out of it, than the destruction of the Irish parliament and the annihilation of the Irish monopoly of power, it will be the greatest national blessing bestowed on Ireland since the invasion of that country by Henry Plantagenet. The penal laws passed against the Roman Catholics of Ireland under this queen have ever been the theme of murmur and discontent with all the Catholic writers,\* and here it appears that they were passed against the wishes and efforts (not very manly) of the British cabinet, by the procurement of the head of the Irish aristocracy and the unanimous vote of an Irish parliament. The Irish history superabounds with anomalies: at the very moment, in which this parliament gave so vital a stab to the real interests and happiness of their country, the lords made open profession of principles and sentiments, which would then have averted that source of wretchedness from their countrymen, and ensured them that political security and happiness, to which the nation may now look forward in the union that has taken place. "We are sensible, say they, that our preservation is owing to our being united to the crown of England, so we are convinced that it would tend to our further security and happiness to have a more comprehensive and entire union with that kingdom." So little however were they disposed to act in unison with her majesty's English ministers, who were against these penal statutes, that on the 4th of March 1703, the lords in an address to the lord lieutenant assured his grace that it was with great satisfaction they beheld him following the example of his illustrious ancestor, and that they attended his grace to acknowledge and congratulate with him on the good effects of his indefatigable application as well in framing, as in obtaining the return of so many good bills, *but especially for The Bill to prevent the further Growth of Popery.*\* It appears upon the Lords' Journals,† within the same year, that in an address to the throne, they assured her majesty of their unshaken fidelity to her person, crown and government: and as they were inseparably annexed to the

\* Thus Curry speaks of The Act to prevent the further Growth of Popery, 2 vol. page 234. "A penal statute, through which there runs such a vein of ingenious cruelty, that it seems to be dictated rather by some Prætor of Dioclesian than by a British or Irish nobleman."

† Lords' Journ. p. 85. Burnett confirms this statement of the lords, "The commons (says he) offered this bill to the Duke of Ormond, pressing him with more than usual vehemence to intercede so effectually, that it might be returned back under the great seal of England. It came over warmly recommended by the Duke of Ormond." Hist. 2 vol. page 214.

‡ Ibid. page 91.

Imperial crown of England, so were they resolved to oppose all attempts, that *might be made by Scotland* or any other nation whatsoever to divide them from it, or defeat the succession in the Protestant line, as limited by several acts of parliament. The connection of matter, rather than the order of time, points out under what species of influence Ireland has from time to time been oppressed, in order that she may the more distinctly see the end of oppression in her union with Great Britain..... Whatever were the symptoms of disaffection or disloyalty in Scotland in the year 1704, to which the address of the lords referred, no history has even charged the Irish with having been directly or indirectly concerned in the rebellions either of 1715 or of 1745. Yet upon the breaking out of the rebellion in Scotland in 1715 the commons of Ireland, in their address to the crown on that occasion, expressed, that it was with the utmost concern they found that this country (Ireland) had given birth to James Duke of Ormond, a person, who in despite of his allegiance and the obligations of repeated oaths, had been one of the chief authors and fomenters of that wicked and unnatural rebellion. No terms can be too strong to express the hypocritical and traitorous conduct of this debased nobleman; and though it be difficult to account for the wanton and malicious cruelty, with which he rivetted the galling yoke of persecution on the necks of his unoffending countrymen, yet in spite of his malevolence and depravity he rendered justice to their faith and loyalty by not even attempting to turn the influence of the landlord over a numerous tenantry, or of the governor over the dependants of the castle, to the desperate purpose of shaking the well known and tried loyalty of his countrymen: an honourable, though forced testimony of the steady allegiance of the Irish nation, which through a whole century has not been tarnished by any rebellious attempt against their lawful sovereign, until the late fatal insurrection of 1798, which immediately preceded, and perhaps in great measure contributed to the union.

During the whole reign of Queen Anne the penal laws were executed with unabating severity upon the Irish Catholics, without any other visible cause or charge alleged than their mere profession of the Roman Catholic religion. It was the current, though unwise policy of that day, to consider the Roman Catholics as enemies to the crown and government of the realm. The speech of the Earl of Pembroke, lord lieutenant, to the Irish parliament, in 1706, recommends to them to provide for the security of the realm against their foreign and *domestic* enemies, meaning by the latter...the body of Catholics: for he subjoined, that he was commanded by her majesty to inform them, that her majesty, considering the number of Papists in Ireland, would be glad of an expedient for the strengthening

the interest of her Protestant subjects in that kingdom. There is a principle of liberality and wisdom in concentrating the interests of a great people in a common *focus* (and such has produced the late union) which is the loudest condemnation of that false, base, and wicked policy, that pervaded the Irish government under Queen Anne. It was then a fundamental maxim, that Roman Catholics could never coalesce with Protestants of any denomination even in the civil duties of allegiance to a common sovereign: they were considered as avowed and common enemies of the state. Hatred of Popery was the common link, by which they connected interests of the utmost discordance and repugnancy to make head against the *common enemy*. The resistance of so much provocation to rebellion as such a principle when acted upon must have produced, is a marked test of the steady loyalty and peaceful demeanour of the Irish Catholics from the revolution to the accession of his present majesty, under whom they first had the happiness of being considered no longer as enemies.

The House of Peers did not, however, see the same objections to an union which at that time influenced the commons. They had on a former occasion, viz. on the 25th of October, 1703, after the report of a committee upon the state of the nation, come to the following resolution: \* “That it was the opinion of that committee, upon due consideration of the present constitution of that kingdom, that such an humble representation be made to the queen of the state and condition thereof, as might best incline her majesty by such proper means as to her majesty should seem fit, to promote such an union with England as might qualify the states of that kingdom to be represented in the parliament there.” In their address to the queen on the union with Scotland on the 15th of July, 1707, † they congratulated the glorious success of her majesty’s endeavours for securing by her arms abroad the liberties of Europe, and the welfare of her subjects at home, by uniting Great Britain into one body, under the same Protestant succession to the throne of all her dominions: they were sensible how effectual a means that would prove to prevent the attempts of Papists from disturbing the quiet of her majesty’s empire, and particularly of that kingdom, that had been so often endangered by them. They beseeched her majesty to go on and extend her favour to all her subjects, till none were excluded from so great a blessing, but such as by their own frowardness or disaffection to the public good, barred themselves from the general advantages of her majesty’s reign: and they expressed their hope, that her majesty’s goodness and wisdom would conquer even those, and make them sensible of their true interest.

\* 2 Journ. of Lords, p. 29.

† Ibid. p. 161.



\* From the coldness with which the queen answered these addresses, it is plain, infers Lord Clare, that her ministers would not listen to the proposition of an union with Ireland; and in finding a substitute for it, there was a race of impolicy between the countries. The parliament of England seemed to have considered the permanent debility of Ireland as their best security for her connection with the British crown, and the Irish parliament to have rested the security of the colony upon maintaining a perpetual and impassable barrier against the ancient inhabitants of the country. The executive government was committed nominally to a viceroy, but essentially to lords justices, selected from the principal state officers of the country, who were intrusted with the conduct of what was called the king's business, but might with more propriety have been called the business of the lords justices. The viceroy came to Ireland for a few months only in two years, and returned to England perfectly satisfied with his mission, if he did not leave the concerns of the English government worse than he found them: and the lords justices in his absence were entrusted implicitly with the means of consolidating an *Aristocratic influence*, which made them the necessary instruments of the English government.

In the year 1707, the commons voted an address of congratulation to her majesty on the union of her majesty's kingdoms of England and Scotland. They told her, that this great and glorious work, which her ancestors with their utmost endeavours laboured to compass, lay above the reach and wisdom of former times, and seemed reserved, by Heaven, for her majesty's reign: that the difficulty of the attempt required the greatest genius to surmount it, and they could but highly honour and admire the wisdom of those councils, that had by it given a further security to the peace and safety of her majesty's government, the Protestant succession, and the church as by law established in England and Ireland. The reason why these commoners did not in this address even hint at a similar union with Ireland, must have arisen from the impossibility of uniting with a kingdom, the bulk of which they actually considered and acted against as a *common enemy*: for on the same day (9 July, 1707) on which they voted the address to the queen, they presented also an address to the Earl of Pembroke, their lieutenant, in which they thankfully acknowledged the benefits they enjoyed in that happy opportunity of meeting, under his excellency's government, to enact such laws as were yet wanting to strengthen the Protestant interest of that kingdom. And they assured his excellency, that they were met with firm resolutions to improve that opportunity to the utmost of their power, to disappoint the designs of those

\* Speech of Lord Clare, p. 26.

who endeavoured to give advantage to *their common enemy*, by creating misunderstandings amongst Protestants.\*

When the Earl of Wharton prorogued the parliament on the 30th of March, 1709, he told them, † that he made no question, but that they understood too well the true interest of the Protestant religion in that kingdom, not to endeavour to make all such Protestants as easy as they could, who were willing to contribute what they could to defend the whole *against the common enemy*. It was not the law then passed, ‡ nor any law that the wit of man could frame, would secure them against Popery, whilst they continued divided amongst themselves. It being demonstrable, that unless there be a firm friendship and confidence amongst the Protestants of that kingdom, it was impossible for them either to be happy or to be safe. And he was directed to declare to them, as her majesty's fixed resolution, that as her majesty would always maintain and support the church as by law established, so it was her royal will and intention, that the Dissenters should not be persecuted nor molested in the exercise of their religion. The Dissenters were originally displeased, and had petitioned against the clause for the sacramental test; and now the act, in which it was introduced, having been explained and amended without any attention to their interest, the lord lieutenant § substituted fair promises and specious words for that substantial relief, which either the power or the will was wanting to procure for them. The marked contrast in the lord lieutenant's speech between the favourable disposition of government towards the Protestant Dissenters and their austerity towards the Roman Catholics, flattered the Dissenters; || and the lord lieutenant had the address to keep them

\* 2 Com. Journ. p. 494.

† 2 Journ. Lords, p. 316.

‡ An act for explaining and amending an Act intituled An Act to prevent the further Growth of Popery.

§ Thomas, Earl of Wharton, was a man of notorious profligacy, but of great address, and no inconsiderable share of talent. The likeness of his portrait, left us by Swift, has never been questioned, though considered by some as too strongly tinctured with party prejudice. It was however taken from life, and with the advantage of personal intimacy. "He had imbibed his father's principles in government (he was a rigid Presbyterian), but dropt his religion, and took up no other in its stead: excepting that circumstance, he is a firm Presbyterian. He contracted such large debts, that his brethren were forced, out of mere justice, to leave Ireland at his mercy, where he had only time to set himself right. He is very useful in parliament, being a ready speaker, and content to employ his gift upon such occasions, where those who conceive they have any remainder of reputation or modesty are ashamed to appear."

*History of the Four last Years of Queen Anne.*

|| What Dr. Sommerville said of the English Dissenters not opposing the English Test Act in 1673, will be found pointedly applicable to the conduct of their Irish brethren upon the introduction of the Sacramental Test in 1709. "This concession of the Protestant Dissenters has been often applauded by their friends, as a singular example of prudence and generosity; because

quiet, in the delusive expectation of being eased of this galling restriction in a future session, when it might be done with less umbrage to the numerous body of Roman Catholics. The cordial sympathy of this House of Commons, with their profligate governor,\* is one melancholy illustration, amongst many, of the estrangement of the Irish parliament from the welfare of the Irish people. On the 26th of August, 1709, the commons presented a most obsequious address to the lord lieutenant, in which they assured him, "that they gratefully acknowledged her majesty's more particular care of them in appointing his excellency their chief governor, whose equal and impartial administration gave them just reason to hope, and earnestly wish his long continuance in the government.†"

The reign of Queen Anne was a chequered scene of political variance, according to the predominancy of the favourite party. It established also a most important, though a much unheeded principle of observation, which the impartial investigator of the Irish annals cannot lose sight of. The numerical body of the people having been effectually excluded from taking an active part in the affairs of the nation, every important or embarrassing question, that has arisen between Great Britain and Ireland, affecting the political situation of the two nations from the Revolution to the accession of his present majesty, has been as completely cleared and debarassed of any interference, interest,

"they sacrificed their rights and resentments to the dread of impending Popery, and the security of the reformed religion. Their conduct upon this occasion, whether examined by the rules of probity, or the dictates of enlightened charity, will be found deserving of explicit and marked expressions of condemnation. Professing to guard against Popery, did not the Dissenters act under the influence of its worst principles? Did they not abandon their rights, as men and as Christians? Rights, the renunciation of which, for a single day, no fear of danger, nor prospect of future peace, can justify at the tribunal of conscience. The event of Providence has instructed us, by this, and every similar experiment, to reprobate the imprudence, as well as the immorality of the maxim, that it is lawful to do evil when good may be obtained by it. A bill brought in for the relief of the Protestant Dissenters, as the reward of their consent to the Test Act, was defeated by the disagreement of the two houses, and the adjournment of parliament. And thus the temporizing spirit of the Dissenters transmitted bondage to their posterity, which the liberality of the age in which we live never could have imposed; but from which even that liberality is not adequate to emancipate them, while it is counteracted by religious bigotry, and the timid policy of those who dispense the favours of government." 1 *Sommerville*, p. 24.

\* Dean Swift, even before the death of this nobleman, said of him: "He has sunk his fortune by endeavouring to ruin one kingdom, and hath raised it by going far in the ruin of another. His administration of Ireland was looked upon as a sufficient ground to impeach him at least for high crimes and misdemeanors; yet he has gained by the government of that kingdom under two years 45000*l.* by the most favourable computation, half in the regular way, and half in the prudential."

† 2 *Comm. Journ.* p. 631.



or influence of the body of Irish Roman Catholics, as if they had no actual existence. All national differences, complaints, and grievances have been from Protestants to Protestants. The peculiar grievances of that body never reached the ear or touched the heart of their sovereign, till the fostering dawn of protection opened upon them from the parental sympathies of his present majesty. It is a political paradox, though an historical truth, that in the agitation of every national question during the last century, the sense, the interest, or the influence of the majority of the nation, have not thrown the weight of a scruple into the scales.

The prevalence of the Tory party in the last four years of Queen Anne, lets in the broadest day-light upon the real grounds of alarm and insecurity, which the English cabinet entertained for the fate of Ireland. They viewed the increasing influence of the Presbyterians with such dread and jealousy, that on the 7th of November, 1711, the lords spiritual and temporal presented an address to her majesty, in which they first complained of the Earl of Wharton's having abused her majesty's name, in ordering *nolle prosequi* to stop proceedings against one Fleming, and others, for disturbing the peace of the town of Drogheda, by setting up a meeting-house, where there had been none for the last twenty-eight years. They represented to her majesty, that those unjust complainers of persecution, whilst themselves enjoyed ease and security, had exercised great severities towards their conforming neighbours, by denying them common offices of humanity, and by threatening and actually ruining several, who, in compliance with their conscience, had left their sect. They complained that the Episcopal order had been by them styled *anti-scriptural*, the holy and religious worship of the established church called *superstitious* and *idolatrous*, and that the legislature itself had been censured by a bold author of theirs, who had published, in print, "*that the Sacramental Test is only an engine to advance a state faction and to debase religion to serve mean and unworthy purposes.*" They represented, that amidst repeated provocations, they had been still easy, and had endeavoured by gentle usage to melt them down into a more soft and complying temper; but that all their attempts had proved unsuccessful; that they had returned evil for good; that forbearance had encreased their rage and obstinacy; and that the Northern Presbyteries had, in their zeal for proselytism, sent missionaries into several parts of the kingdom, where they had no call nor any congregations to support them; that by the abuse of the allowance of 1200*l.* per annum, (granted to them by her majesty for charitable purposes and other means) schism, which had formerly been confined to the North,

had then spread itself into many parts of that kingdom. So that they should not be just in their duty to their sovereign or country, if they did not acquaint her majesty with the danger they apprehended from those great advances which *Presbytery and Fanaticism* had made, which if not checked, they doubted not, would in time end in the destruction of the constitution both in church and state. They submitted therefore to her majesty's wisdom whether it were not proper to put a stop to those growing evils, by withdrawing from them her majesty's bounty of 1200*l.* per annum. This address fully accounts for the introduction and the non-repeal of the Sacramental Test, notwithstanding the strong partiality and bias of the commons, the Lord Lieutenant Wharton, and other leading Whig characters for the Protestant Dissenters of that day. It is not to be imagined, that these sentiments, which were now under the new ministry publicly avowed, had not long influenced the spirit and disposition of the British government. Insincerity and timidity are generally inseparable. The Queen herself, as well as many who had been in favour and power at Court, professed Whig principles more from policy and interest, than from conviction and inclination. Their public profession of Whiggism bound them to the interest of the commoners and the Protestant Dissenters in Ireland, on account of their determined opposition to Popery, which motive alone was sufficient to sanctify the most cruel, or justify the neglect of the most important and necessary measures. When the real spirit of Toryism had acquired the transcendency, by overturning the Whig administration, the reserve was thrown off, and the prevailing party expressed their real sentiments in strong and unequivocal language. Although the Tories commanded a decided majority in the peers, yet the Whigs still retained a small majority in the commons. Hence those parliamentary differences, so virulently referred to in the lords address to the queen, on the 9th of November, 1711\*. They alleged, that sincere veneration for her majesty's royal person and prerogative, and the tender regard they had for the peace and tranquillity of the kingdom, could alone prevail on them thus long to forget the high indignities offered to their house by the commons, and to submit their private injuries to her majesty's more public concerns, lest by their just resentment of their behaviour, when so industriously provoked, her majesty's affairs might be obstructed, and by those means the malicious designs of evil-minded men rendered effectual. They complained, that the commons had used them in a manner wholly unknown to former parliaments, and had addressed them in language more indecent, more op-

\* 2 Lords Journ. p. 415.

probrious, than was given by another House of Commons, at a time when they voted the House of Lords useless. That however her majesty might justly approve the conduct of the College of Dublin in the late Revolution, still did they humbly conceive, that her majesty did not extend her bounty to them, to promote (in general) *revolution principles*. Principles, which as explained by the pamphlets and libels publicly avowed and celebrated by men of *faction and seditious tempers*, and particularly in a sermon preached on the 30th of January, dedicated to that very House of Commons, without censure or animadversion, did in a great measure maintain and justify the execrable murder of King Charles the First, and on which might be founded any rebellion against her majesty and her successors. They insisted upon their right of construing the words and terms used by the commons in their address, viz. That the commons having in their vote mentioned the steady adherence of the provost and fellows of the College to the late Revolution, as one consideration of their application for the 5000*l.* since granted by her majesty, the subsequent motive mentioned in that vote, viz. for the encouragement of sound revolution principles, could not in good reason or grammar be referred to the late Revolution; since adherence to the late Revolution was a distinct motive of itself. And it is the known nature of principles, to be as well the rule and guide of future as of past actions. They disclaimed every intention of misrepresenting the commons to her majesty for their own actions: they were to be judged by God and her majesty. But for themselves, they did most solemnly assure her majesty, they were heartily thankful to Almighty God for the late happy Revolution, acknowledging the necessity and justice of it: and that they would, at the utmost hazard and expence of their lives and fortunes, defend, support, and maintain her majesty's sacred person and government, her just prerogative in the choice of her ministers, the Church of Ireland as by law established, and the succession of the crown in the illustrious House of Hanover, against the Pretender, and all those *who design revolutions* either in church or state, against all her majesty's enemies abroad, and against all Papists, Jacobites, and *Republicans* at home.\* This address of the lords is an indisputable document of the truth of several important facts, which no historian has fairly retailed; but which appear supereminently necessary to be noticed in the development of the remote as well as the proximate causes, which in their time and order have contributed to bring about the grand settlement of the kingdom of Ireland by its incorporate Union with Great Britain.

That Protestant ascendancy, which the policy of James I. had forced into existence, in order to make head against the

\* 2 Lords Journ. p. 414, 415.



Catholics, who then indisputably composed the country or natural party in that kingdom, and which had under his successor been strengthened and encouraged, particularly by Strafford and Ormond, with the same view of bearing down the Catholics as a common enemy, was generally infected with the Puritanical fanaticism of that day: the real concomitant of which was an antibasilican spirit, that soon after demonstrated itself in the subversion of the constitution. Both those monarchs would, from their natural disposition, have effectually crushed that party at home, though they consented to use them as the instruments of opposing the Catholics in a distant kingdom, who were then, from their property as well as numbers, the great bulk and natural interest of the Irish nation. This factitious power finding their strength in their ascendancy over the Catholics, soon seized the opportunity of availing themselves of their success, and were amongst the most forward and violent in opposing the regal power of Charles, whilst they continued for some years to disguise their disloyalty to the throne, under the imposing veil of zeal for the altar. A forward and active hatred of Popery gave claims in Ireland, which not only commanded favour, but absolved from punishment. In the days of Charles the First, this spirit anticipated the breaking out of Cromwell's rebellion; in the days of Charles the Second, it survived the restoration of monarchy; under Charles the Second, under William and Mary, under Anne, were remunerations voted by parliament to the descendants of Cromwellian rebels, for the forward zeal and services of their ancestors in that cause. In the year 1800, the Earl of Clare declared in the House of Peers, that it would have been an act of gross injustice on the part of Charles the Second to have overlooked the interests of Cromwell's soldiers and adventurers, as the complete reduction of the Irish rebels by Cromwell redounded essentially to the advantage of the British empire. The true constitutional Whig principles, upon which the Revolution in 1688 had been effected, gave to this party in Ireland a fresh opportunity of working up the old republican leaven, that had never quitted them under the plausible appellation of Whigs. This actuated the commons to propose the several penal laws against the Catholics under Anne; this intimidated her Whig ministers into compliance even against the wisdom, policy, and wishes of the court. So popular a cry was the reduction of Popery, that no ministry had hitherto ventured openly to oppose it, however cruel or ill-seasoned were the measures proposed for effectuating it. From this declaration of the lords it is to be collected, that the Whig majority in the commons were chiefly the relics of the old Protestant ascendancy, which had imbibed and retained those principles of revolutionary republicanism, of which the lords ad-

dress, echoing the voice of the British ministry, so loudly complained. It was no new or sudden grievance, but an old standing evil, which had been long sorely felt and timidly tolerated. And now that the primitive fervour and confidence of the new ministry had produced this open and unequivocal attack upon the Whig party, they dared not do it, without tempering their declaration with professions of their own zeal against Popery, although no complaint or charge had been laid against the Catholics by their keenest enemy. Certain it is, that from the encouragement given to the Oliverian party in Ireland, and other obvious causes, the republican spirit of that day had taken such deep root in their descendants, that created the alarm and dread now first avowed in this address of the lords to the queen. All extremes are vicious: the perfection of the British constitution consists in the reciprocal checks upon the different powers from running into opposite extremes. The true Whig principles are the legitimate offspring of the British constitution; they prevent as effectually the pruriency of Democracy, as they defeat the despotism of absolute monarchy.\*

The party in the House of Commons, which still maintained its majority against the Tory administration, was supported by all the influence of the Dissenters:† and it cannot be denied, that they pushed the Whig principles to an excess wholly irrecon-

\* From the peculiar situation of Ireland, the attention of the Irish Protestants hitherto had been generally confined to the exclusive object of acquiring and preserving an ascendancy over the Catholic interest. The Earl of Clarendon, who was himself a keen partisan, was the first who introduced any party distinction amongst the Protestants of Ireland. During his short government of Ireland in 1685, he evinced his zeal for his master's service by endeavouring to split the Protestants into *Whigs* and *Tories*, in order to supply his own want of co-operation with the king's wishes to forward the cause of Popery, from which he was by principle most averse. Both Clarendon, and his brother the Earl of Rochester, who was appointed lord lieutenant in the year 1701, and several of the high church clergy, whom they had promoted in Ireland, were inflexible in their convictions, that the generality of those who called themselves Whigs in Ireland, were strongly impregnated with the factious spirit of 1649: and upon this principle they were anxious to subdivide the Protestants into parties, in order to discriminate their own party from the real enemies to the crown, who still retained so much of the leaven of the interregnum: for hitherto *Protestant* and *Whig* had continued to be considered as synonymous in Ireland. And no whig in that country had till that time signalized himself by the avowal of any constitutional principle whatever.

† Far be it from me to insinuate that this deviation from the strict line of constitutional conduct was in any manner caused by religious doctrine or persuasion. In every Christian country, different denominations of Christians have at times swerved from, as well as observed, their civil duties. Presbyterians have evinced as firm loyalty to monarchs, as Catholics have to republics. Every society of Christians lay claim to the purest and closest adherence to Evangelical perfection; and they all hold the system of Christianity practicable under every lawful form of government. Bigotry, ignorance, or malice can alone consider the practice of any religious society incompatible with the British constitution.

cilable with the constitutional doctrines of civil liberty. The spirit of party became every day more violent: yet all the political differences, which then distracted the kingdom, existed between Protestant and Protestant. Whatever excesses either party gave into, were nevertheless either palliated or sanctioned by some fresh obloquy or severity thrown upon the Catholics. The Duke of Shrewsbury, though a Tory in principle, was induced through policy to espouse the cause of the Whigs, and as converts are generally prominently severe to the party they have abandoned, his Grace was no way suspected of favouring the Catholics, whose religion he had renounced. He was unusually splendid in celebrating the anniversary of King William, and vehement in promoting the Protestant succession. By a dissolution of parliament, the ministry hoped to gain a majority in the commons, as they had secured it in the lords: but on the return, the Whigs still retained a small majority. This they availed themselves of, by voting a most severe address\* to the queen upon Sir Constantine Phipps,† the chancellor, who had distinguished himself in the Tory party by his intimacy with the famous Dr. Sacheverell, whose trial had afforded a notable triumph to the Whigs in England. The queen's answer to another address of the commons, dated from Windsor on the 13th of December, 1713, shewed how little congenial with the dispositions of the court these efforts of the commons were.

\* 2 Journ. Comm. p. 770.

† The private demeanour and official conduct of Sir Constantine Phipps confirmed all the unfavourable prepossessions against him, which the Whigs in Ireland had conceived from his zeal and activity in defence of Dr. Sacheverell. He associated only with Tories and churchmen, and was entertained by the nobility and gentlemen of that description with the most magnificent hospitality: he received the congratulations and thanks of the clergy as the patron of their order, and the champion of the rights of the church. Under the auspices of such a judge, every legal check upon the licentiousness of the party which he patronized was suspended. The most malignant attacks upon the Dissenters daily issued from the press, and even those publications, which had been condemned in England for their seditious tendency, were reprinted and dispersed without any reprehension from the Irish ministers. Mr. Higgins, a clergyman, who had been put out of the commission of the peace by the late Chancellor Coxe, on account of his indecent and turbulent behaviour, was now restored to his seat by Sir Constantine Phipps. On the very day of resuming his authority, he gave such offence to his colleagues by his insolent and unguarded expressions, that he was presented by the grand jury of the county of Dublin, as a sower of sedition and groundless jealousies among her majesty's Protestant subjects; but he was acquitted by the lord lieutenant and privy council, to the great joy of the high church party. (*Annals Anne*, p. 192-3.)

Mr. Higgins had been a co-adjutor of Dr. Sacheverell in England; and rivalled him in the vehemence with which he declaimed upon the danger of the church, and the treachery of the ministers (*Cunningham*, vol. ii. p. 275.) He was the author of several severe tracts against the Dissenters, and was supposed to have drawn up a narrative concerning the conspiracy of the Protestants in Westmeath, which contained reflections injurious to all the Whig gentlemen in Ireland.



She told them, that \*the best way of preserving their religious and civil rights, and securing the Protestant succession, as well as the best proof they could give of their real concern for them, was to proceed with unanimity and temper in supplying the necessary occasions of the government, and in establishing peace at home, by discountenancing *the restless endeavours of those factious spirits* who attempted to sow jealousies, and raise groundless fears in the minds of her people.

These facts, which appear upon the face of the parliamentary records of Ireland, incontestibly prove, that none of the complaints or charges of disaffection, sedition, turbulence, disloyalty, or civil and political licentiousness of any species during this queen's reign fell upon the great body of the Irish people, but arose from the conduct of that Protestant part of the nation, which retained the leaven of the interregnum, and which was too powerful and too determined to be awed or openly opposed by the British cabinet. Hence the disgraceful subterfuge, which Bishop Burnet assures us, the ministry was driven to, in order to cause the miscarriage of the Popery bill, by sharpening its severity against the promoters of it, fearing to offend that party by opposing the cruelties, which they were imposing on the Catholics, although conscious that the measure was neither wise, politic, nor just.

In so much diffidence and contempt did the British parliament hold that of Ireland during this queen's reign, that in every matter, which was considered to be of importance to the British empire, they expressly legislated for Ireland, as if Ireland had no parliament of her own. Thus did the British legislature direct the sale of the estates of Irish rebels, and disqualify Catholics from purchasing them; thus did it avoid leases made to Papists; thus augment small vicarages, and confirm grants made to the archbishop of Dublin: it permitted Ireland to export linen to the plantations; prohibited the importation of that commodity from Scotland; and appointed the town of New Ross, in the county of Wexford, as the port for exporting wool, from Ireland to England. In the Schism Act, which Sir William Wyndham brought into the House of Commons in England, in the year 1714, the interference of the British legislature with Ireland was the most remarkable. This bill, which was aimed by the Tory party at the total suppression of the Dissenters, was warmly opposed by the Whigs in both houses. Into that bill the following clause was introduced: that "where  
" law is the same, the remedy and means for enforcing the  
" execution of the law should be the same: be it therefore  
" enacted, by the authority aforesaid, that all and every the

\* 2 Journ. Comm. p. 771.

“ remedies, provisions, and clauses, in and by this act given, made, and enacted, shall extend, and be deemed, construed, and adjudged to extend to Ireland, in as full and effectual manner as if Ireland had been expressly named and mentioned in all and every the clauses of this act.” Considering the intolerant quality of the Act, it was the policy of the Tory administration to introduce it with as few objectionable clauses as possible, expecting naturally a warm opposition to it. It was chiefly opposed on the third reading, in which opposition Sir Joseph Jekill was prominently forward; he insisted, that it tended to raise as great a persecution against their Protestant brethren, as the primitive Christians ever suffered from the Heathen emperors, particularly Julian the apostate.\* It passed the commons by a majority of 237 voices against 126, without the clause affecting Ireland: this was proposed by the Earl of Anglesea, when the bill was in the committee of the lords, which, after some debate, was carried in the affirmative by the majority of one voice only. † Several severe speeches were made in the House of Lords against the clause extending the bill to Ireland; particularly by the Duke of Shrewsbury, who had returned on the very day of the debate from Ireland. The clause was, however, carried by 57 votes against 51; and on the next day the bill was carried by a majority of 5 votes, viz. of 77 against 72.‡ A very strong protest was entered by thirty-four of the leading Whig party, the last part of which relates to Ireland: “ The miseries (said they) we apprehend here, are greatly enhanced by extending this bill to Ireland, where the consequences of it may be fatal: for since the number of Papists in that kingdom far exceeds the Protestants of all denominations together, and that the Dissenters are to be treated as enemies,

\* Chand. Deb. 5 vol. p. 135.

† Deb. Lords, 2 vol. p. 428.

‡ The minister commanded a much larger majority in the commons than in the lords. It was for this reason that the queen was advised to call twelve lords up to the House of Peers, who were in derision called by the opposite party the college of the twelve apostles. “ It was upon these motives (said Swift, *Hist. p. 44*,) that the treasurer advised her majesty to create twelve new lords, and thereby disable the sting of faction for the rest of her life: this promotion was so ordered, that a third part were of those on whom, or their posterity, the peerage would naturally devolve; and the rest were such whose merit, birth, and fortune could admit of no exception.”.... In the reasons *pro* and *con* given by Swift, we clearly see the opposite spirits of the politicians of that day: the Whigs complained of the ill example set to wicked princes, who might as well create one hundred as twelve peers, which would ensure the command of the House of Lords, and thus endanger our liberties. The Tories insisted, that in our constitution the prince holding the balance of power between the nobility and people, ought to be able to remove from one scale into the other, so as to bring both to an equilibrium: and that the Whigs had been for above twenty years corrupting the nobility with republican principles, which nothing but the royal prerogative could hinder from overspreading us.

“ or at least as persons dangerous to that church and state, who  
 “ have always in all times joined and still would join with the  
 “ members of that church against their common enemy of their  
 “ religion ; and since the army there is very much reduced, the  
 “ Protestants thus unnecessarily divided seem to us to be ex-  
 “ posed to the danger of another massacre, and the Protestant  
 “ religion in danger of being extirpated.”\* It must be presumed,  
 that the ministers of that day were as anxious, that this bill  
 against the Dissenters should be extended to Ireland, as they  
 were certain, that a similar bill would not have passed the Irish  
 parliament. Such were the forced means resorted to by the  
 ministry of that day, to effectuate their intentions upon Ireland  
 respecting the Dissenters. What the opinion and disposition  
 of the court then were as to the Irish Dissenters, is manifest  
 from the language of Mr. Bromley, principal secretary of state,  
 on the third reading of the Schism Bill : he said, “ the Dissen-  
 “ ters were equally dangerous both to church and state ; and if  
 “ the members who spoke in their behalf would have this bill  
 “ drop, he would readily consent to it, provided another bill  
 “ were brought in to incapacitate them either to sit in that house,  
 or to vote in elections of members of parliament.”† The col-  
 lision of the opposite parties in parliament was at that time ex-  
 tremely violent. The Whigs charged the Tories and the whole  
 court party with an intent to break through the order of the Pro-  
 testant succession, in favour of the Pretender ; to these views  
 they attributed every measure as to the grand object of all their  
 wishes, and all their intrigues. On the other hand the Tories  
 complained of the factious opposition of the Whigs ; and the  
 most sensible of their advocates‡ has declared, that “ the dé-  
 “ signs of that aspiring party at that time were not otherwise to  
 “ be compassed, than by undertaking any thing that would hum-  
 “ ble and mortify the church.” Some time previous to the pass-  
 ing of the Schism Bill, the minister had acquired in the com-  
 mons a very large accession of strength from a set of members,  
 who, under the style of the *October Club*, had formed themselves  
 into a body with a view to revive a new country party in parlia-  
 ment, which might, as in former times, oppose the court in any  
 proceedings they should dislike. The whole body consisted of

\* Deb. Lords, 3 vol. p. 430. The whole protest containing strong reasons  
 against intolercancy is given in the Appendix, No. LIII.

† Chand. Deb. 5 vol. p. 135.

‡ Swift's History of the Four last Years of the Queen, p. 250. This was  
 said on the occasion of the lords having passed the bill for continuing The Act  
 to enable Quakers to make Affirmation in lieu of Oaths (surely a reasonable  
 one, and the law now is so), which the commons would not permit to be read  
 even a first time. About this time, Swift shewed a zeal against the Whigs,  
 by publishing *The Public Spirit of the Whigs*, and his Preface to the Introduc-  
 tion of Dr. Burnett to the History of the Reformation.



about 200, and they unexceptionably professed what are commonly called *high church* principles, upon which account they were irreconcilable enemies to the late ministry, and all its adherents; and the grand object of their meetings, was to devise methods to spur on those in power to make quicker dispatch in removing all the *Whig leaven* from the employments they still possessed.

In Ireland, the number of those, who took an active interest in the political events of the day, was incomparably smaller, than in England, but their violence was proportionably greater. All the efforts of the British cabinet were unable to reduce the ascendancy of the old Protestant interest in the commons: it became a trial of strength between the two houses. The influence of the crown preponderated in the lords of Ireland, as it did in the commons of England. The commons presented an address to her majesty, humbly beseeching her to remove the chancellor, Sir Constantine Phipps,\* from his place, for the peace and safety of her Protestant subjects: the lords on the other hand, made a warm representation to the queen in favour of the chancellor: they entered minutely into the charges preferred against him, and assured her majesty, that they were strengthened in their opinion of his having acquitted himself with honour and integrity, from the further enquiries they had since made, and

\* More of the true spirit of the times is often to be collected from pamphlets and fugitive pieces of the day, than from the best histories written at a period distant from the events which they record. A book called *State Anatomy*, was published in Dublin soon after the accession, which thus speaks of Sir Constantine Phipps (p. 51): "No sooner did he appear in that kingdom, but his levee was crowded with Papists and dispensation converts, whose cloven foot was seen by the venom they used to spit against Whigs and Dissenters: but every one who made his court to Phipps, would previously shew his zeal by treating the Whigs as ignominiously, as formerly under Talbot: nor would Sir Constantine employ a man of them, no not in ordinary work: accordingly he brought those new converts into all business, places, and preferments, receiving the most secret informations from priests and friars, who were likely to do wondrous service to the English interest. By the assistance of that trusty bull beef priest *Higgins*, he laboured to divide the Protestants: introducing the distinction of *high and low church* unknown there before: and it must be owned, that they made some progress in this villanous design, which with the Earl of Rochester's introducing the *Sacramental Test* considerably weakened our present king's interest. He stifled and discouraged all informations against the insolent practice of Papists, whom he was ever backward to disarm, though straightly required to do it after the queen's death. He granted *Noli prosequi* for writers on behalf of the pretender, and favoured all he could, those, who treasonably listed soldiers for him. The Archbishop of Armagh (Lindsay who was primate from 1713 to 1724) promoted for this very purpose to that see, was his chief abettor. This prelate not very nice in other matters, and much better acquainted with the mothers than the fathers, would not be concerned in blood forsooth, refusing to sign the order for the execution of the listed and enlists for the pretender. This behaviour of Churchmen gave rise to another toast: *To the prosperity of the Church in spite of the Clergy.*"

they concluded with strong assurances of unanimity and temper in the dispatch of public business, and in establishing the peace of that kingdom, by discountenancing the restless endeavours of those *factious spirits*, who attempted to sow jealousies and raise groundless fears in the minds of her majesty's people. The queen's answer to the address of the commons was a mere echo of the address of the lords, which plainly shewed how strongly her majesty sided with the latter against the former. Both houses of convocation warmly espoused the cause of the chancellor: they wished her majesty might never want a servant of equal courage, uprightness, and abilities, and that church and nation never be without such a friend for the suppression of vice, schism, and faction, and for the support of the royal prerogative as well as the rights and liberties of the subject. The lords had also presented an address to the queen, to justify and clear the chancellor of the reproaches and calumnies of one Nuttal, who had traduced him as having been a promoter of the dissensions, that had lately happened in that kingdom: to which her majesty answered, that she had always looked upon the lord chancellor as a faithful servant to the crown, a true lover of the constitution in church and state, and was therefore extremely pleased to find, that the lords concurred in the same opinion of him.

Many circumstances concur to prove, that the queen herself was indisposed to the Hanover succession, and that the great object of her last ministry was to reconcile the nation to a favourable reception of her brother. The Whigs were indefatigable in thwarting those efforts, which the ministers never dared to avow or openly to make. The queen was personally indecisive, and wanted firmness to carry any important resolution into effect. Whatever harsh measures were forced upon her by the Whigs, such as the attainder of her brother, the proclamation for a reward of 50,000*l.* for apprehending him, and the several proclamations and declarations in support of the Hanover succession, are reported to have preyed strongly upon her mind;\* as did also the failure of Leslie's mission, who was sent

\* The secret intentions and views of the last ministry of Queen Anne have never been hitherto clearly laid open. The whole transaction however of the Duke of Cambridge's obtaining his writ of summons to parliament, loudly speaks the disinclination of the queen to that favourite measure of the zealots for the Hanover succession. It was not in fact flattering to the feelings of the queen, that a prince of the house of Hanover should be provided with a house, revenue, and proper officers in England, and enjoy a seat in the British senate; where his influence with those, who were ever ready to adore the rising sun, might powerfully resist the interest of the crown. This, it was urged by the queen's friends, was setting her coffin before her eyes. The duke had sent over the following petition to the queen.

over to Lorrain to convert him to the Protestant faith: as it was well understood, that the horror of Popery was the only

*The Humble Petition of George Augustus Duke of Cambridge,*

SHEWETH,

That your majesty having of your great goodness created your petitioner a duke and peer of Great Britain, and it being the constitution, that every peer hath a right and privilege to sit and vote in parliament, your petitioner humbly prays your majesty to grant him his writ of summons to call him to sit and vote in the present parliament.

This petition was signed on the 17th of March, 1713-4, and on the 11th of the following April, Baron Schutz, envoy extraordinary from the court of Hanover, convened a meeting of the most zealous Whigs, lords and gentlemen at Lord Halifax's house in Westminster; where it was artfully concerted, that the baron should not present the petition to the queen, apprehending that her majesty might have denied the writ, or delayed or eluded the petitioner: and therefore they advised the baron to apply to the Lord Chancellor Harcourt, and demand of him the writ of summons, as being the proper officer to cause the same to be made out, and delivered: for which proceeding, this reason was then given; that if the lord chancellor refused to deliver the writ, the House of Lords, then sitting, had a jurisdiction and power, to enquire into, and immediately censure the denial, and to order the writ to be made out and delivered. But the sudden transport and joy of those lords so convened caused them to forget, that Baron Schutz might have done both, viz. if the queen were averse, he might immediately resort to the lord chancellor, and make the demand.

However, the lords advised the baron to keep his orders strictly secret, and appear at court the next day, when the lords were to wait on, and present to the queen their address about the proclamation, and the removing the Pretender out of Lorrain; and to apply himself to the lord chancellor, (as in private and in a corner) and acquaint him, that he (the baron) had a message to his lordship from Hanover, and that he desired an hour, when he should wait on, and deliver it to him.

The lord chancellor told the baron, he should be proud to receive any message from his court; and appointed that very afternoon, between five and six, to receive it at his house in Lincolns Inn Fields.

When the baron came, and (after some compliments) told his lordship, that he, by order of his highness the Duke of Cambridge, did request his lordship, to make out, and deliver to him the writ for the duke; the lord chancellor was at first much surprised: but after a short pause, he asked the baron, whether the matter had been opened to the queen; to which the baron answering, no: his lordship said, this demand is of such importance that I can do nothing in it, till I have the queen's directions; and I will forthwith acquaint her majesty with it: but laying his hand on the baron's shoulder, desired him to remember he did not refuse the writ: to which the baron smartly replied, and desired his lordship to remember, he had requested of him the writ for the Duke of Cambridge.

A cabinet council was instantly called, and sate that evening from nine of the clock till after eleven; where the queen being present, had the disappointment to find her ministers so little firm to their former professions, as to endeavour to persuade her majesty, that the writ could not be denied (they may have hinted that the promises of France did not yet justify the refusal). This defection had such an accidental and unexpected influence upon her majesty's person, as subjected her to an infirmity, that could not be removed, for at the end of three months and nineteen days she demised, but upon the minister's shrinking, the writ was ordered to be made out, and was delivered to Baron Schutz on Saturday the 17th of April, 1714.



objection which a great part of the nation had to his being called to succeed his sister. Circumstanced however as the Pretender was, his cause was abetted by many in England, and recruiting for his service had become so public and general, that Lord

This demand being the next day (Tuesday) whispered in the court of requests, cast a damp on the court party, which they could not dissemble.

The ministers had the vexation to see, on the four last days, viz. Wednesday, Thursday, Friday, and Saturday, the street called Pall Mall, crowded with a vast concourse of coaches, and multitudes of people to congratulate Baron Schutz, and Mons. Koninberg (at whose house the baron lodged) upon the demand of the writ, and the hopes of the speedy arrival of the Duke of Cambridge: that although the writ was at the end of five days, viz. on Saturday the 17th of June, 1714, delivered to Baron Schutz, yet the queen in her anger to see the people so generally run to worship the rising sun, caused Baron Schutz, on the next day, being Sunday the 18th of April, 1714, to be forbidden the court, and injunctions to be laid on all her ministers, not to have any intercourse or correspondence with him: and the ministers gave out this pretence for that outrage, viz. because the baron had demanded the writ of the lord chancellor, without having first acquainted her majesty with his orders, and applying to her for it.

It appears probable, that the ministers applied at this time to France for assistance, and received an agreeable answer: but at that time the French king was engaged to attend the negotiations at Rastadt, in regard the peace with the Emperor was not yet concluded. But the urgency of the case was, that if the Duke of Cambridge should forthwith land, as he might, and as the people expected, the ministers measures would be first intirely disconcerted, and then the French assistance would come unseasonably. The ministers, in order to remove their fears, and to obviate the disappointment, on the 19th of May, 1714, being within one month after Baron Schutz was forbidden the court, in the queen's name, sent three letters to Hanover, all signed with her majesty's own hand.

One of these letters was directed to Her Royal Highness the Princess Sophia, in which the queen declared, "that disaffected persons had entered into measures, to fix a prince of her highness's blood in her majesty's dominions, even whilst she was living, that she (the queen) for her part, never thought such a project could have entered into her highness's mind; but now she perceived, her electoral highness was come into that sentiment: and therefore she (the queen) declared, that such a proceeding would infallibly endanger the succession itself."

Another of these letters was directed to His Highness the Elector of Brunswick; and in that it was declared, "that if his electoral highness's son (the Duke of Cambridge) presumed to come within the queen's estate (i. e. her dominions), she would oppose him with all her power."

And the third letter was directed to the Electoral Prince (then Duke of Cambridge), and therein it was declared to him, "that his design of coming into her majesty's kingdom, ought to be first opened to her, and to have had her permission; and that therefore nothing could be more dangerous to the right of succession in his line, than such a proceeding." From the complexion of these transactions it will be readily admitted, that the queen must have been disgusted with the indelicate and compulsory means used by the Whigs of that day, to ensure the Hanover succession during her life: the workings of nature on behalf of her brother, upon whose head she was forced by the Whigs to proclaim a reward, together with the many thwarting and humiliating instances of opposition to her will from the Whig party, render it more than probable, that she either originally was, or that she became at last insincere in her professions, promises, and exertions to promote the establishment.

Bolingbroke brought in a bill, which afterwards passed into a law, that made it high treason to be enlisted for any foreign prince: a caution which was not at this time found necessary to be had in Ireland, notwithstanding the inordinate propensity of the Irish parliament to harass and oppress the Catholics with penal statutes. Now for the first time their loyalty was above suspicion; and a Stuart passed by an opportunity of punishing them. The queen died on the 1st of August, 1714.

## CHAPTER III.

## THE REIGN OF GEORGE THE FIRST.

IT is foreign from the purpose of this work to analyze the political views of the leading men in power upon the demise of Queen Anne. The Jacobites looked up with more confidence to Lord Bolingbroke, than to the Earl of Oxford, for sincerity in favour of the abdicated family. If Oxford, as must be presumed, of most of the Tories of that day, were against the Hanover interest, his conduct was reserved, mysterious, and equivocal; by which he lost the confidence of his own party, without gaining that of the other. Bolingbroke was universally supposed to favour the heir of blood, and was known to be a most determined and implacable enemy of the Whigs. The Jacobites relied much upon his affections, but more upon his resentment. The Tory party preponderated in the landed interest of the country; the Whigs had acquired a majority in the privy council; the Tories were without a head, dispirited, distracted, and consequently irresolute: the Whigs, flushed with their ascendancy, acted with concert, energy and effect: they brought into action the principles they had always avowed, and by them they seated the Elector of Hanover on the thrones of Great Britain and Ireland: he was proclaimed and acknowledged king without opposition.\* The Tories, as they had every reason to expect, were dismissed from his councils, and the whole management of public affairs was committed to the Whigs.

The parliament of Ireland, convened in November, 1715, was prominently conspicuous in manifesting their zeal for the Hanover succession, and the Whig administration. They passed acts for recognising the king's title; for the security of his person and government; for setting a price (50,000*l.*) upon the Pretender's head; and for attainting the Duke of Ormond: and they voted the supplies without murmur or opposition. It is to be remarked, that towards the conclusion of the late reign, the commons had, during the last Tory administration, brought in a bill to attain the Pretender: and it was generally believed that her majesty had prorogued the parliament, with the direct view of preventing that bill from passing against her brother:

\* Viz. By the Act of Settlement, as George the First, son of Ernest Augustus, Elector of Brunswick, and of Sophia, grand daughter of King James the First.



and that with a similar intent to facilitate his access to the throne, she had disbanded the greatest part of the army in Ireland. The commons therefore eagerly seized the opportunity so favourable for ingratiating themselves with his majesty, and for justifying that conduct, which had been reprobated as turbulent and factious by the late government. They accordingly presented a very strong address to his majesty, that he would be graciously pleased, for the security of his government, and the Protestant interest of Ireland, to remove the Earl of Anglesey from his councils and service in that kingdom.\* Notwith-

\* Vide 3 vol. Journ. Comm. p. 67. This address is founded on the fact of the recruiting service for the Pretender having been openly permitted in Dublin, and the prorogation of the late parliament having been made to prevent the act for attainting the Pretender, and the army's having been disbanded to favour his pretensions. It throws light upon the history of those days, and is to be seen in the Appendix, No. LIV. We are now in an age and circumstances to judge fairly of that wretched policy, which induced our ancestors to transport an army of tried bravery, and unshaken loyalty to the House of Stuart, into foreign countries, there to be formed into nurseries for every youth of martial disposition, whom the severe and humiliating laws of his own country shut out of the profession of arms, as well as every other honourable calling which a gentleman could embrace. As this address of the commons, as well as the general stream of the Whig writers of those days, seem to identify Tories and Jacobites, which terms even to this day are by many considered synonymous, it will be an act of justice to submit to the reader the political profession of faith as to the Pretender of a leading Tory, who was one of the most obnoxious to the Whigs, because he was the most reasonable and sensible of their opponents. It is a letter from Dean Swift, written from Trim on the 16th of December, 1716, to the Archbishop of Dublin (King).

“ MY LORD,

“ I should be sorry to see my Lord Bolingbroke following the trade  
 “ of an informer ; because he is a person for whom I always had, and still con-  
 “ tinue a very great love and esteem : for I think as the rest of mankind do,  
 “ that informers are a detestable race of people, although they may be some-  
 “ times necessary. Besides I do not see whom his lordship can inform against,  
 “ except himself. He was three or four days at the court of France, while he  
 “ was secretary ; and, it is barely possible, he might then have entered into  
 “ some deep negotiation with the Pretender, although I would not believe  
 “ him if he should swear it ; because he protested to me, that he never saw  
 “ him but once, and that was at a great distance in public at an opera. As to  
 “ any other of the ministry at that time I am confident he cannot accuse them ;  
 “ and that they will appear as innocent, with relation to the Pretender, as any  
 “ who are now at the helm : and as to myself, if I were of any importance, I  
 “ should be very easy under such an accusation, much easier than I am to  
 “ think your Grace imagineth me in any danger ; or, that Lord Bolingbroke  
 “ should have any ill story to tell of me. He knoweth, and loveth, and think-  
 “ eth too well of me, to be capable of such an action. But I am surprised to  
 “ think your Grace could talk, or act, or correspond with me for years past,  
 “ while you must needs believe me a most false and vile man ; declaring to  
 “ you on all occasions my abhorrence of the Pretender, and yet privately en-  
 “ gaged with a ministry to bring him in : and therefore warning me to look to  
 “ myself, and prepare my defence against a false brother, coming over to dis-  
 “ cover such secrets as would hang me. Had there been ever the least over-  
 “ tures or intent of bringing in the Pretender, during my acquaintance with  
 “ the ministry, I think I must have been very stupid not to have picked out

standing the recruiting for the service of the Pretender were one of the principal grounds for the commons address against the Earl of Anglesey, as if countenanced and connived at by his majesty's servants, yet so fully convinced was the ministry of that day of the unquestionable loyalty of the Irish nation, that the lords justices, in their speech to the parliament, rendered them the most honourable testimony, in saying, that it was with no small satisfaction, that they observed the calm, which that kingdom (formerly the seat of so many rebellions) then enjoyed, whilst the traitorous enemies to the king and our happy establishment, discouraged by their early and steady zeal for the Protestant succession, had thought fit to change the place of action, and attempt elsewhere to disturb his majesty's government. Nor was this the soothing art of adulation, but the cordial effusion of active confidence: for the lords justices added, that his majesty had ordered an addition to be made to each company of the militia, till such time as he could replace those regiments, which the necessity of his affairs had obliged him then to draw from Ireland to suppress the rebels in Great Britain, wherein their safety was equally concerned with that of his other subjects.\* Were not anomaly and incongruity the peculiar properties of Irish history, it would be my duty to draw the reader's attention to the gross inconsistency of rendering solemn homage to the exemplary loyalty of the Irish nation in the most perilous crisis, and punishing them at the same time for a disposition to treachery, turbulence, and treason. Whilst rebellion was openly making alarming progress in North Britain, under the Earl of Mar at the head of 10,000 Scotch Presbyterians, and

"some discoveries or suspicions. And although I am not sure I should have turned informer, yet I am certain I should have dropt some general cautions, and immediately have retired. When people say things were not ripe at the queen's death; they say they know not what: things were rotten. And had the ministers any such thoughts, they should have begun three years before; and they who say otherwise, understand nothing of the state of the kingdom at that time.

"But whether I am mistaken or no in other men, I beg your Grace to believe, that I am not mistaken in myself. I always professed to be against the Pretender, and am so still. And this is not to make my court (which I know is vain), for I own myself full of doubts, fears, and dissatisfactions, which I think on as seldom as I can: yet if I were of any value, the public may safely rely on my loyalty, because I look upon the coming of the Pretender as a greater evil, than any we are like to suffer under the worst Whig ministry that can be found.

"I have not spoke or thought so much of party these two years, nor could any thing have tempted me to it, but the grief I have in standing so ill in your Grace's opinion.

I beg your Grace's blessing, and am, &c.

"JONATHAN SWIFT."

\* 2 Journ. Lords, p. 453. The lords justices were the Duke of Grafton and the Earl of Galway, and the speech was delivered by the Duke of Grafton.

no part of South Britain was secure from the attempts of the friends of a Catholic Pretender to the throne, *Catholic* Ireland was the only part of the British empire, for which government felt secure, and therefore drew from it the usual sources of national defence to give strength to *Protestant* Britain. Although malice have been saturated in calumniating the Irish nation, it has (perhaps accidentally) escaped even the charge of guilt in the rebellion of 1715. The speech which bore such honourable testimony of the tried loyalty of the Irish Catholics, bespoke the disgraceful policy of keeping and treating them, notwithstanding, as a separate and divided people. "We must recommend to you (said the lords justices in their speech to the commons) in the present conjuncture, such unanimity in your resolutions as may once more put an end to all other distinctions in Ireland, but that of *Protestant* and *Papist*." Such indeed was the hatred, in which they were then holden, that the usual parliamentary phrase for the Irish body of Catholics was, the *common enemy*: scarcely an address concerning them during this reign reached the throne, which did not distinguish them with this appellation. Without any fresh charge or even suspicion of misconduct, they were so explicitly represented in the speech of the Lord Carteret. \* "All the Protestants of this kingdom have but one common interest, and have too often fatally experienced, that they have the same *common enemy*." Vain is it to set up the personal character and private virtues of the monarch, as a security or indulgence to his subjects against the penal code of austerities imposed upon them by the legislature: these persecuting and oppressive laws execute themselves.... Queen Anne has been represented, perhaps not untruly, as *† a tender mother, a warm friend, an indulgent mistress, a munificent patron, a mild and merciful prince*; and yet the body of Catholics was during her reign more severely punished and persecuted than during that of any of her predecessors.‡ Such, how-

\* 3 Journ. Commons, p. 399.

† Smol. Hist. p. 268.

‡ This is affirmed by Swift, who says, in his *Presbyterian's Plea of Merit*,.... "I do not conceive why a sunk discarded party, who neither expect or desire any thing more than a quiet life, should, under the names of *High Flyers*, *Jacobites*, and many other vile appellations, be charged so often in print and at common tables with endeavouring to introduce *Popery* and the *Pretender*; while the *Papists* abhor them above all other men, on account of severities against their priests in her late majesty's reign; when the *now disbanded* *probate party* was in power. This I was convinced of some years ago by a long journey into the Southern parts, where I had the curiosity to send for many priests of the parishes I passed through; and to my great satisfaction found them every where abounding in profession of loyalty to the late King George; for which they gave me the reasons above mentioned: at the same time complaining bitterly of the hardships they suffered under the queen's late ministry." I cannot take leave of Swift, without reminding the reader, that if ever a true Irish patriot existed, he was the man. He is often calumniated



ever, notwithstanding the Catholics plea of merit for their non-interference in favour of a Catholic prince of the House of Stuart in the year 1715, whilst his standard was erected in Great Britain, was the government's affected fear or real hatred of the Catholics, that the lords justices, in their answer to the address of the commons praying them to give directions for securing the persons of such Papists and other persons as they should suspect of being disaffected to his majesty's government, assured them, that they had written letters in council to all the governors of counties, sheriffs, mayors, and chief magistrates of corporations to put the militia in immediate condition for service, requiring them at the same time strictly to execute *the laws against Papists*. The resolutions of the commons at a time when Catholic loyalty was eminently meritorious, bespoke the marked oppression under which that body was\* doomed to pine. First, it was resolved, *nemine contradicente*, †“ That it “ is the indispensable duty of all magistrates to put the laws in “ immediate execution against all Popish priests, who shall officiate contrary to law, and that such magistrates who neglect “ the same, be looked upon *as enemies to the constitution*.” “ Next it was, in like manner, resolved, ‡“ That an humble “ address be presented to their excellencies the lords justices, “ that they will be pleased to issue a proclamation, promising “ a reward to such who shall discover any person who is enlisted, or shall hereafter enlist in his majesty's service, to be a “ Papist, in order to their being turned out, and punished with “ the utmost severity of the law.” Vain is it to urge, that a common sense of danger and impartial justice dictated these resolutions. It can hardly be credited, but not at all accounted for, upon what grounds that monstrous partiality of the Irish government and parliament was manifested at this period, in favour of the Protestant Dissenters, and to the prejudice of the Catholics. If at this distance of time, when the prejudices of bigotry and fanaticism have worn themselves out of repute and credit,§ we may without injury attribute effects to their real

by the Whig writers; but no man ever delivered more constitutional sentiments than those, which he published with respect to government. In justice to the author, and in order that their excellent tendency may operate more extensively upon his countrymen, I have subjoined them to the Appendix, No. LV.

\* 3 Journ. Commons, p. 63.

† 3 Journ. Commons, p. 60.

‡ Ibid. p. 74.

§ Every thing in the latter end of the reign of Queen Anne, as well as in the beginning of that of her immediate successor, was carried on in the extreme of party violence. Towards the close of the year 1714, an anonymous publication appeared, written in a very temperate style, but stating facts relating to the late parliament, and particularly to the attack upon Chancellor Phipps: and one of the first resolutions of the commons in 1715, was, that a book,

causes, it will greatly confirm a former observation, that the party then called the *Whig party*, in Ireland, possessed little of the constitutional principles of the English Whigs; but being the immediate descendants of the antibasilican party of 1648, were still strongly tinctured with the leaven of their ancestors. The then recent statute of Queen Anne, which imposed such a mass of rigour upon the Catholics, required the sacramental test from every officer civil or military, from all persons having fee or salary belonging to any office by patent or grant, or having any command or place of trust under the crown: and singular truly was the moment selected for publishing that Democratic dispensation of that law, which we find in the following resolution of the House of Commons, viz. \* “That such of his majesty’s  
“ Protestant dissenting subjects of this kingdom as have taken

intituled, *A long History of a short Session of Parliament in a certain Kingdom*, was a false, scandalous, and malicious libel, highly reflecting upon the proceedings and honour of the late House of Commons; and they addressed the lords justices for issuing a proclamation for giving a reward to any person who should discover the author. (3 *Journ. Com.* p. 68.) The book was a plain narrative of public facts, interspersed with some observations: one of which, upon a part of the Duke of Shrewsbury’s speech, is too relevant to the spirit of the Irish government, and particularly of the Irish Whig interest of that day, to escape notice. (Vide the book, p. 14.) “The first thing we meet  
“ with here, worthy of observation, is a remarkable clause in his Grace’s speech  
“ to both houses, where, after he has told ’em of his first resolution to dis-  
“ charge the great trust committed to him with zeal for her majesty’s service  
“ and their interest, he adds, *that he must therefore earnestly recommend it to*  
“ *’em, that as the Protestants of Ireland are united in one common interest,*  
“ *they might all agree in the same means of promoting it.* I mention this  
“ clause, because though without question it was well intended by his Grace;  
“ who meant no more, than that they should secure themselves against the  
“ *Papists*, who are the *common enemy*; yet the *faction* laid great stress upon  
“ it; the *Protestant interest* being an expression in great esteem amongst them,  
“ to signify sometimes an interest *distinct* from, and even *contrary* to, that of  
“ the *established church*; but *always* used to lessen the regard men ought to  
“ have for that excellent *Communion*, by putting all denominations of Protes-  
“ tants without distinction upon a level; they know very well that *Atheists*,  
“ *Deists*, *Socinians*, and *Sectarists* of all sorts, go under the name of *Protestants*:  
“ and those with the truly *orthodox* of the established church make up the  
“ *Protestant interest* of that kingdom: but then surely ’tis not *one* interest,  
“ but rather a *comprehension* of interest diametrically opposite; of interests  
“ as different from one another, as a rational and Christian communion from  
“ an unreasonable and sinful *schism*; as faith and infidelity; religion and  
“ irreligion; loyalty and *faction*: and therefore when a certain *set* of men pro-  
“ claim their zeal for the *Protestant interest*, no wonder they find it easy to  
“ distinguish and oppose them to one another.” One naturally here reflects,  
with Mr. Burke (*Let. to Lang.* p. 29), “that it was not settled at the Revolution,  
“ that the state should be Protestant in the latitude of the term, but in  
“ a defined and limited sense only; and that in that sense only the king is  
“ sworn to maintain it. And that the religion which the king is bound to  
“ maintain has a positive part in it, as well as negative; and that the positive  
“ part of it is the most valuable and essential.” And he adds, “that a  
“ man is certainly the most perfect Protestant and the most perfect Dissenter,  
“ who protests against and dissents from the whole Christian religion.”

\* 3 *Journ. Commons*, p. 100.

“ commissions in the militia, or acted in the commission of the  
 “ array, have hereby done a seasonable service to his majesty’s  
 “ royal person and government, and the Protestant interest in  
 “ this kingdom. *Resolved*, that any person who shall commence  
 “ a prosecution against a Dissenter, who has accepted, or who  
 “ shall accept of a commission in the array or militia, is an  
 “ enemy to King George and the Protestant interest, and a  
 “ friend to the Pretender.” This marked partiality in favour  
 of the Irish Dissenters, whilst an army of Scottish Presbyterians  
 was in open rebellion in favour of the Pretender, cannot be laid  
 to the account of liberality or general toleration, for that very  
 parliament of 1715, passed an act to restrain Papists from being  
 high or petty constables, although a single arm had not been  
 raised by a Catholic in Ireland in support of the Pretender, and  
 every nerve of government was strained to enforce the rigorous  
 execution of all the penal laws against them. The consequence  
 was a general and most rigid persecution against the Catholics  
 for the mere exercise of their religion: their priests were dragged  
 from their concealment, many were taken from the altars  
 whilst performing divine service, exposed in their vestments to  
 the derision of the soldiery, then committed to gaol, and afterwards  
 banished the kingdom. The lords justices granted orders  
 for apprehending the Earls of Antrim and Westmeath, the  
 Lords Netterville, Cahir, and Dillon, and most of the principal  
 Catholic landholders as persons suspected of disaffection to his  
 majesty’s government.

Although it had now for some time been the settled, though  
 fatal policy of the Anglo-Hibernian government to play off the  
 Dissenters and Catholics,\* against each other, yet we have  
 before seen, that these Machiavelian manœuvres were generally  
 confined to such objects of internal regulation, as in no manner  
 affected the national rights of Ireland or its independence upon  
 Great Britain. It has indeed been at all times a just, though  
 melancholy remark with reference to Ireland, that the true constitutional  
 Whig principles have never been brought fairly to  
 bear upon that kingdom; as if Ireland had been admitted to our  
 constitution for no other purpose, than that of confirming its  
 existence by way of exception from its practice and participation:  
 a deadly wound, but ever inseparable† from that state of  
 nominal independence which Ireland was permitted to enjoy

\* Thus, as we before remarked, did the Earl of Wharton with fair and false  
 promises cajole the Dissenters, out of hatred to the Papists, to consent to their  
 own punishment by the Sacramental Test: thus did the administration in this  
 critical juncture prevent any coalition between the Dissenters and Catholics,  
 by rivetting their disunion by the enviable extremes of indulgence and  
 severity.

† *Harebat lateri letbalis arundo.*



previous to its Union with Great Britain. In the year 1719, a private cause gave rise to a most important trait in the Irish history illustrative of the principles and facts, which have prominently contributed to the union of the two kingdoms.

A cause relative to an estate betwixt Hester Sherlock and Maurice Annesly was tried before the court of Exchequer, in Ireland. The latter obtained a decree which, upon appeal, was reversed by the lords. From their sentence Annesly appealed to the English peers, by whom the judgment given in his favour by the court of Exchequer was confirmed; and an order issued to put him in possession of the disputed estate. Against this determination, Sherlock petitioned the Irish House of Lords. In this affair, the dignity of the peers and the privileges of the nation were deeply involved. The first step the lords took, was to propose to the consideration of the judges, whether by the laws of the land an appeal lay from a decree of the court of Exchequer in Ireland, to the king in parliament in Great Britain? This question they determined in the negative. The peers then resolved, that they would support their honour, jurisdiction, and privileges, by giving the petitioner Hester Sherlock effectual relief, pursuant to a former order. Notwithstanding which, a petition was afterwards presented to the house, by Alexander Burrowes, sheriff of Kildare, setting forth, that his predecessor in office had put Hester Sherlock in possession of the premises: that upon his entering into office, an injunction agreeably to an order of the English peers, issued from the Exchequer, commanding him to restore Maurice Annesly to the possession of the above-mentioned lands: that not daring to act in contradiction to the order of the house he was fined: that, in consequence of this, being afraid lest he should be taken into custody, he durst not venture to come in to pass his accounts, for which he was fined twelve hundred pounds. Upon which the lords resolved, “that Alexander Burrowes, Esq. in not obeying the injunction issued from his majesty’s court of Exchequer in the cause between Annesly and Sherlock had behaved himself with integrity and courage, and with due respect to the orders and resolutions of the house. That the fines imposed upon him be taken off: that the barons of the Exchequer, viz. Jeffrey Gilbert, Esq. John Pocklington, Esq. and Sir John St. Leger, had acted in violation of the orders of that house, in diminution of the king’s prerogative, as also of the rights and privileges of the kingdom of Ireland and the parliament thereof.” Orders then passed the house, that the barons of the Exchequer for this offence should be taken into the custody of the Black Rod, which were accordingly executed. In vindication of these measures and of the rights of the nation, they afterwards drew up a representation to be presented to his

majesty, in which they represented ; that by many ancient records and sundry acts of parliament, it appeared, that the kings and principal men of Ireland did without compulsion submit to Henry II. as their liege lord, who at the desire of the Irish, ordained that the laws of England should be of force and observed in that kingdom. That by this agreement the Irish obtained the benefit of English law, with many other privileges, particularly that of having a distinct parliament, in which weighty and important matters relating to the kingdom were to be treated, discussed, and determined. That this concession and compact, ratified by succeeding kings, encouraged the English to come over and settle in Ireland : where they were to enjoy the same laws, the same liberties, and a constitution similar to that of England. That by this constitution and these privileges, his majesty's subjects had been enabled to discharge their duty faithfully to the crown ; that therefore they insisted upon them, and hoped to have them preserved inviolable. That though the imperial crown of that realm were annexed to that of Great Britain, yet being a distinct dominion, and being no part of the kingdom of England, none could determine with respect to the affairs of it, but such as were authorized by its known laws and customs, or the express consent of the king : that it was an invasion of his majesty's prerogative, and a grievance to his Irish subjects, for any court of judicature to take upon them to declare, that he could not by his authority in parliament, determine all controversies betwixt his subjects of that kingdom ; or that when they appealed to his majesty in parliament in Ireland, they did not bring their cause before a competent judicature : that in relation to the removal of causes by appeal from that kingdom, the Irish judges being sometimes ignorant of the common law of England, which was the rule of their decisions, did apply to his majesty for information, which he gave them by the advice and with the assistance of the justices of the King's Bench, who in ancient times constantly attended his person. That when the King's Bench came to be fixed, appeals were made to it, though the king were not personally present. That from hence it could not be inferred upon any ground, that appeals from the parliament of Ireland might be brought before the House of Peers in England. They represented, that but two instances had ever occurred, of appeals from the Irish court of chancery to the English peers, prior to the Revolution, and two instances subsequent to it, until the year seventeen hundred and three, none of which ought to affect the jurisdiction of the Irish lords ; as by the principles and the nature of their constitution, whatever judicial powers were lodged in the British parliament, with respect to Great Britain and its inferior courts, the same must likewise be vested in the parliament of Ireland, with respect to

that kingdom and its inferior courts. That therefore in the year seventeen hundred and three, upon a complaint of the Earl and Countess of Meath, that during the interval of parliament, an order of the English peers had dispossessed them of certain lands, which had been decreed them here ; the Irish parliament restored them effectually, to the undisturbed possession of them. That there was just reason to conclude, they would have acted the same part, respecting the appeal of the Bishop of Derry, had he not been removed, and a composition made by his successor with the London society prevented it. Then they stated the appeal of Maurice Annesly from their judgment, with all the particulars of the interference of the English lords in that cause injurious to their privileges ; the pernicious consequences of this usurped jurisdiction of the British peers were next pointed out ; and they observed to his majesty, that it was the right and the happiness of his subjects in that kingdom as well as of those in Britain, that by their respective constitutions, justice was administered to them without much trouble or expence, in the kingdom to which they belonged : but if his majesty were deprived of the power of finally determining causes in his court of parliament in Ireland, those who were unable to follow them to Britain, must submit to whatever wrongs they might suffer from the more rich and powerful. That if all judgments made in his majesty's highest court within that kingdom, were subject to be reversed by the lords in Great Britain, the liberty and property of all his subjects of Ireland, must thereby become finally dependant on the British peers, to the great diminution of that dependance, which by law they ought always to have on the English crown. That if the interference of the English lords in receiving appeals from Ireland should be recognised and supported, it would take away the power from his majesty of determining causes in his parliament of that country, and confine it entirely to the parliament of Britain. That the writs for summoning the lords and commons in both countries being the same, they must in each kingdom be possessed of equal powers, or else the peerage of their nation would be little more than an empty title ; and the commons stand for ever deprived of the privilege of impeaching in parliament, which right could not possibly be maintained, if there were not within the realm a parliamentary judicature. That if the power of judicature could by a vote of the British lords be taken away from the parliament of Ireland, no reason could be given why the same lords might not in the same manner deprive them of the benefit of their whole constitution. That the lords of Great Britain had not in themselves any way, either by law or custom, of executing their decrees in Ireland. That this could only be accomplished by an extraordinary exertion of royal power, which would be high-



ly prejudicial to the liberties of the Irish nation. And in conclusion, they informed his majesty, that to prevent the appellant Esther Sherlock, from making farther application to the Irish parliament, his deputy receiver had paid her the sum of above eighteen hundred pounds, which to the prejudice of his majesty's subjects, he expected would be refunded by government. That these proceedings of the English lords had greatly embarrassed his parliament of Ireland, disgusted the generality of his loyal subjects; and must of necessity expose all sheriffs and officers of justice to the greatest hardships by such interference of different jurisdictions. They hoped that all these things being duly considered, his majesty would justify the steps they had taken, for supporting his prerogative, and the just rights and liberties of themselves and their fellow subjects.

The representation and the proceedings of the House of Lords in Ireland, concerning appeals being transmitted to his majesty, pursuant to an address for that purpose, they were laid before the British House of Lords and read: upon which instead of departing from the mode of conduct they had adopted with respect to Ireland, they resolved, that the barons of the court of Exchequer in Ireland, in their proceedings in the cause between *Annesly and Sherlock*, in obedience to their orders, had acted with courage according to law, in support of his majesty's prerogative, and with fidelity to the crown of Great Britain; and that an humble address be presented to his majesty, to confer on them some mark of his royal favour, as a recompence for the injuries they had received, by being unjustly censured, and illegally imprisoned for doing their duty.\*

The Duke of Leeds alone entered a protest against these resolutions:† the lords ordered a bill to be brought in, for the better securing the dependancy of Ireland, upon the crown of Great Britain, which‡ afterwards passed into a law. When the

\* Jeffry Gilbert, Esq. was made a baron of the Exchequer in England, May 24th, 1722, and lord chief baron of that court, June 1st, 1725.

† This protest being very pointed and interesting, is given in the Appendix, No. LVI.

‡ The bill being short, and arising so immediately out of the particular facts alluded to, it is here annexed by way of historical illustration: 5 Geo. c. v. *An Act for better securing the Dependancy of the Kingdom of Ireland, upon the Crown of Great Britain.*

Whereas attempts have been lately made, to shake off the subjection of Ireland unto, and dependance upon the imperial crown of this realm, which will be of dangerous consequences to Great Britain and Ireland. And whereas the lords of Ireland, in order thereto, have of late, against law, assumed to themselves a power and jurisdiction to examine, correct, and amend the judgments and decrees of the courts of justice in the kingdom of Ireland, therefore, for the better securing of the dependancy of Ireland upon the crown of Great Britain, may it please your majesty, that it may be enacted, and it is hereby declared and enacted, by the king's most excellent majesty, by and with the advice and consent of the lords, spiritual and temporal, and commons, in this

bill had been read a second time in the House of Commons, upon the motion for committing it to a committee of the whole house, a warm debate ensued. Mr. Pitt spoke against the bill, saying, "It seemed calculated for no other purpose, than to encrease the power of the British House of Peers, which, in his opinion, was already but too great." He was seconded by Mr. Walter Plummer, who excepted against the preamble of the bill, as incoherent with the enacting part, which was partly owned by Sir Joseph Jekyll, who in the main, spoke for the bill. Mr. Hungerford, on the contrary side, endeavoured to shew, that Ireland was ever independent with respect to courts of judicature: and he was supported by the Lord Molesworth, Lord Tyrconnel, and some other members. But Mr. Philip Yorke having backed Sir Joseph Jekyll, and the question being put upon the motion, it was carried in the affirmative by 140 against 83.\*

About this time a fresh attempt was made in favour of the Pretender by the intrigues of the Cardinal Alberoni. An armament of twelve ships of the line, and several transports, was equipped, having on board 6000 regular troops, and arms for 12000 men. The command of this fleet was committed to the Duke of Ormond, with the title of captain general of his Catholic majesty. He was provided with declarations in the name of the Spanish monarch, importing, that for many good reasons he had sent part of his land and sea forces into England and Scotland to act as auxiliaries to King James. The Duke of Ormond sailed from Cadiz and had proceeded as far as Cape Finisterre, when the fleet was overtaken and dispersed by a storm, which entirely defeated the intended expedition. In justice to the unshaken loyalty of Ireland, it should be recollected; that at this time the tenantry on the Ormond property, was the most numerous in Ireland, the bulk of the nation was of the same religion as the pretender, Ireland lay more contiguous to Spain than Great Britain, and was less provided for defence

present parliament assembled, and by the authority of the same, that the said kingdom of Ireland hath been, is and of right ought to be subordinate unto, and dependant upon the imperial crown of Great Britain, as being inseparably united and annexed thereunto; and that the king's majesty, by and with the advice and consent of the lords spiritual and temporal, and Commons of Great Britain, in parliament assembled, had, hath, and of right ought to have, full power and authority to make laws and statutes, of sufficient force, and validity, to bind the people and the kingdom of Ireland. And be it further enacted and declared, by the authority aforesaid, that the House of Lords of Ireland have not, nor of right ought to have any jurisdiction to judge of, affirm or reverse any judgment, sentence or decree, given or made in any court within the said kingdom; and that all proceedings before the said House of Lords, upon any such judgment, sentence, or decree, are, and are hereby declared to be utterly null and void, to all intents and purposes whatsoever."

\* Debates in the Commons, 1 vol. p. 213.

against invasion. Yet so sternly loyal to the house of Hanover were the Irish Catholics, even at this early period after the accession of the present illustrious family to the throne, that not even the intriguing Alberoni, the Spanish monarch, the Catholic pretender, or his enthusiastic and then desperate supporter Ormond, dared even to attempt to seduce them from their allegiance and civil duty.

The statutes and parliamentary records shew the impartial and conciliatory principle, upon which the Irish government conducted themselves towards the bulk of the Irish people, in return for their unshaken loyalty to the house of Brunswick. In the year 1719, the parliament passed an Act for Exempting the Protestant Dissenters of that Kingdom from certain penalties, to which they were (in common with the Catholics) then subject.\* And the preamble of the act most truly and liberally as far as it went, and politically set forth, that “the granting some ease and indulgence to the Protestant Dissenters in the exercise of religion, may be an effectual means to unite his majesty’s Protestant subjects in interest and affection.” This desirable object ought certainly not to have been confined to his majesty’s *Protestant* subjects: and so indeed thought his grace the Duke of Bolton, who in his speech on the day that the bill passed, falsified the words of that statute, in order to take off the sting,† which this gross and unmerited partiality for the few to the exclusion of the many necessarily carried with it. “The advanced season of the year makes it proper to put an end to this session, that you may have an opportunity to take care of the public peace in your several counties, and to keep a vigilant eye over those, who may have a desire to disturb it; but of this you will have less occasion to be apprehensive, if you shall use your endeavours to cultivate that, which will be your best security against all foreign and domestic enemies, and which for that reason I must in a special manner, recom-

\* 6th Geo. c. v.

† The lieutenant’s speech was made on the 2d of November, 1719. And on the 10th of the preceding August, the jealousy of the Catholics at the favour shewn to the Dissenters, was very much increased by the answer of his majesty to the address of the commons in favour of the Dissenters. 3 *Journ. Com.* p. 216. “His majesty is glad to find them (his faithful commons) sensible of the danger of the Established Church of Ireland, from the great number of Papists and other disaffected persons, hoping this consideration will incline them to enter upon such methods as may make the Protestant Dissenters not only more easy, but also more useful to the support of the constitution both in church and state, and will prove a great addition of strength to the Protestant interest.” It would certainly have been more politic, and fully as decent, had his majesty’s servants recommended an attention to the general interest of Ireland, in lieu of an exclusive attention to the *Protestant* interest, which formally shut out the interest of three fourths of the people. His present majesty was the first English monarch who took a share in the interests of the whole people of Ireland.



“mend to you in the words of one of those excellent bills passed  
 “this day, I mean, *an union in interest and affection amongst*  
 “*ALL his majesty’s subjects.*” Unfortunately for the people of  
 Ireland the words of the statute were operative and lasting:  
 those of the lord lieutenant insidious, false, and transient: but  
 the speech of the lieutenant acquired instant circulation: the  
 people read, what they never experienced: and they smarted  
 under what they never read. When the Duke of Grafton  
 closed the next session of parliament, in the same spirit of  
 harshness and mistrust towards a people, which had evinced  
 such eminent steadiness to the new family on the throne, he told  
 them;\* “I persuade myself that the same principles, which  
 “have influenced your actions in parliament, will excite you to  
 “put the laws in execution, when you return to your several  
 “counties. I think it incumbent upon me, particularly to  
 “recommend it to you, to keep a watchful eye over the Papists,  
 “since I have reason to believe, that the number of Popish  
 “priests is daily encreasing in this kingdom, and already far  
 “exceeds what by the indulgence of the law is allowed.”  
 Neither the austerity of government towards the Catholics, nor  
 its invidious predilection and indulgence to the Dissenters, nor  
 the lapse of time, nor any intermediate circumstance, that  
 threatened danger to the establishment, could relax the fervour  
 or shake the steadiness of their loyalty and zeal for the house of  
 Hanover. The same noble duke in opening the session in  
 1723, rendered to the Catholics, perhaps an inadvertent, cer-  
 tainly not an unimportant eulogy, upon the actual confidence  
 placed in their loyalty in the very achme of alarm and danger.  
 The traitorous projects (said his grace) “that were near ripe  
 “for execution the last year, made it advisable to call for six  
 “regiments of foot from Ireland, and as the scene of blood and  
 “confusion, that was then opening in Great Britain must have  
 “soon reached this country, his majesty could not more effect-  
 “ally shew his tender regard for his subjects, than by ordering  
 “that seasonable reinforcement for securing peace in that part  
 “of his majesty’s dominions.” And it is singular, that in the  
 very speech, which proved, that the Catholics were so little  
 suspected of disaffection to the government, as to make it advis-  
 able and safe, to send six regiments from Catholic Ireland, for  
 the defence of Protestant Britain, his grace added,† “I cannot  
 “but think it a matter deserving your serious attention, to pro-  
 “vide some laws for the further strengthening of the Protes-  
 “tant interest of this kingdom, particularly for preventing more  
 “effectually the eluding of those in being against Popish priests,

\* 3 Journ. Com. p. 314.

† 3 Journ. Com. p. 314.

“ it being too notorious that the number of such is of late greatly increased.” Removed, as we now fortunately are, out of that vortex of bigotry and fanaticism, which had the peculiar quality of rendering those who moved in it insensible of their own infection, it appears difficult to believe, that the legislature of any nation should have busied themselves in subtilities, inventions, and resolutions, to provoke, criminate, aggrieve and punish the great mass of the people, who were eminently observant of all their civil duties. Such were the resolutions of the commons in 1723,\* upon which leave

\* 3 Journ. p. 346, 2d of October, 1723. Dr. Trotter reported from the committee appointed to enquire into the most effectual means to prevent the same, that they had come to several resolutions in the matter to them referred, which he read in his place, and afterwards delivered at the table, where the same were again read, and are as follow :

1st Resolved, “ That it is the opinion of this committee, that Popery has greatly increased within these few years in this kingdom, occasioned by the many ways found out and practised by the Papists, to evade the several laws already made to prevent the further growth of Popery.

“ 2d Resolved, That it is the opinion of this committee, that the neglect of several magistrates and officers of the peace, in executing the laws against Papists, has greatly contributed to the growth of Popery.

“ 3d Resolved, That it is the opinion of this committee, that the recommending of persons converted from the Popish religion, by which they may be put too early into the commissions of peace, is highly prejudicial to the Protestant interest of this kingdom.

“ 4th Resolved, That it is the opinion of this committee, that it is highly prejudicial to the Protestant interest, and an encouragement to Popery, that any person married to a Popish wife should bear any office or employment under his majesty.

“ 5th Resolved, That it is the opinion of this committee, that no person who is, or shall become a convert from the Popish to the Protestant religion, ought to be capable of any office or employment under his majesty, unless he shall breed up all his children to the age of fourteen years to be of the Church of Ireland, as by law established.

“ 6th Resolved, That it is the opinion of this committee, that no person that is, or shall be converted from the Popish to the Protestant religion, be capable of any office or employment under his majesty, or practice as a barrister, attorney, or solicitor, for the space of seven years after his conversion ; and unless he brings a certificate of having received the sacrament thrice in every year during the same term.

“ 7th Resolved, That it is the opinion of this committee, that no person who is, or shall be converted from the Popish religion, ought to be deemed or taken as a Protestant in any respect whatsoever, that has not already, or shall not within a year produce a certificate of his conversion and enrol the same.

“ 8th Resolved, That it is the opinion of this committee, that notwithstanding the laws now in being against Popery, the number of Popish priests and friars has of late years increased in this kingdom, to the danger of the Protestant religion.”

The five first resolutions being severally put, the same were agreed to by the house *nemine contradicente*.

And the sixth resolution being put, the same was agreed to by the house with an amendment.

And the seventh and eighth resolutions being severally put, the same were agreed to by the house *nemine contradicente*.

was given to bring in heads of a bill for explaining and amending the acts to prevent the further growth of Popery and for strengthening the Protestant interest in that kingdom.... Heads of a bill were accordingly prepared with all the invective acrimony, which infuriated fanaticism could devise : and one blushes for the humanity of an Irish House of Commons, which in satiating its lust for persecution, adopted unanimously a clause in the bill for castrating every Catholic clergyman that should be found in the realm. The bill thus surcharged with this Gothic barbarism, was presented on the 15th of November, 1723, to the lord lieutenant by the commons at the castle, and they most earnestly requested his grace *to recommend the same in the most effectual manner to his majesty*, humbly hoping from his majesty's goodness and his grace's zeal for his service and the Protestant interest of that kingdom, the same might be obtained to pass into a law.\* It was transmitted to England, and for the honour of humanity, there suppressed with becoming indignation.† The lord lieutenant, on proroguing the parliament, consoled them for the loss of their favourite bill, by attributing its failure to their having brought it in at so advanced a period of the session : recommending to them again a more vigorous execution of the penal laws against the Catholics, and assuring them that he would contribute his part towards the prevention of the growing evil (of Popery), by giving proper directions, that henceforward such persons only should be put into the commission of the peace, as had distinguished themselves by their fidelity to his majesty, and by their steady adherence to the Protestant interest.‡

Whilst the Catholics of Ireland were in open rebellion against their sovereign, as they were in the days of Elizabeth, whilst they were making head against Puritannical regicides in the days and in support of the unfortunate Charles, whilst they were fighting under the banners of their lawful sovereign James II. who certainly had *not* abdicated the throne of Ireland, they were upon some principle considered as enemies : but as from the treaty of Limerick to the accession of George I. they were guilty of no act of hostility, it became the ill judged and unjust policy of future governments, to retain the appellation of *common enemy*, and apply it to the great mass of the people of Ire-

\* 3 Journ. Com. p. 366. His grace returned the following answer. " I have " so much at heart a matter, which I recommended to the consideration of " parliament at the beginning of this session, that the House of Commons " may depend upon a due regard on my part to what is desired."

† Some Irish historians attribute the failure of this bill to the humane interposition of Cardinal Fleury with Mr. Walpole. Yet surely there needed no Gallic interference for the damnation of a law of such savage turpitude.

‡ 3 Journ. Com. p. 389.



land, for a variety of purposes, which appear manifest to the unbiassed observer, and unjustifiable to every person, who professes to adopt the mild and equitable principles of our constitution. A very large share of the political power and influence of Ireland had been retained by the Oliverian party, who, with strong tinctures of their original spirit, had adopted the appellation without the principles of the whigs, and were thereby enabled to keep up their political consequence, and use it to the discomfiture of their real adversaries, whom they affected to brand and rejoiced in persecuting as the *common enemy*: the tory party, which consisted chiefly of churchmen and Catholics though united upon political, yet divided upon religious principles: the Protestant Tories therefore imagined that by a semi-coalition with the Irish whigs, who then were chiefly Dissenters, they should the more readily keep down the possibility of a Catholic *ascendancy* :\* the English interest kept alive these

\* Although party political writers must ever be read with caution and great allowances, yet writing in the spirit of the parties and times in which they lived, they are sure directories to the future historian in tracing the origin, nature, powers, and extent of the parties, which appeared on the political scenes, it becomes his duty to represent. These elucidations might be worked up into a treatise: I shall select only some passages from known writers, in order to verify the statement of the parties in Ireland at this period, which I am called upon to submit to my readers. I resume not the merits of these opposite writers: still less do I profess to adopt their opinions. The late Lord Clare (in his memorable speech on the union, which must ever be looked up to as a most precious and authentic repository of modern opinions upon the past conduct of the British cabinet with reference to Ireland; has thus referred to the political situation of Ireland at the time we are alluding to. (p. 26.) "The parliament of England seem to have considered the permanent debility of Ireland, as the best security of the British crown, and the Irish parliament to have rested the security of the colony, upon maintaining a perpetual and impassable barrier against the ancient inhabitants of the country. The executive government was committed nominally to a viceroy, but essentially to lords justices, selected from the principal state officers of the country, who were entrusted with the conduct of what is called the king's business, but might with more propriety have been called the business of the lords justices. The viceroy came to Ireland for a few months only in two years, and returned to England perfectly satisfied with his mission, if he did not leave the affairs of the English government worse than he found them: and the lords justices in his absence were entrusted implicitly with the means of consolidating an Aristocratic influence, which made them the necessary instruments of the English government." Primate Boulter, who from the year 1724 to the year 1742, was the main spring of the English politics and the instrument of the British cabinet in Ireland, gave to the Duke of Newcastle the following caution against Swift. (1 vol. p. 62, *Boulton's Let.*) "The general report is, that Dean Swift designs for England in a little time; and we do not question his endeavours to misrepresent his majesty's friends here, wherever he finds an opportunity: but he is so known, as well as the disturbances he has been the fomentor of in this kingdom, that we are under no fear of his being able to disserve any of his majesty's faithful servants, by any thing that is known to come from him: but we could wish some eye were had to what he shall be attempting on your side of the water." But we must recollect, that this letter of the primate was dated on the 10th of

different divisions and subdivisions of parties, for the ungenerous and Machiavelian purpose of dividing and governing Ireland as a

February, 1725, O. S. which was about ten weeks after Swift had written to Pope, (on the 26th of November, 1725) about Mr. Phillips, the primate's secretary, and the footing that he and his lordship were on. "Phillips is *fort* *chancellant*, whether he shall turn parson or no. But all employments "here are engaged, or in reversion. Cast wits and cast beaux have a proper "sanctuary in the church: yet we think it a severe judgment that a fine gentleman and so much the finer for hating ecclesiastics, should be a domestic "humble retainer to an Irish prelate: he is neither secretary nor gentleman "usher, yet serveth in both capacities. He hath published several reasons "why he never came to see me: but the best is, I have not waited on his "lordship." Swift ever supported the natural interests of Ireland both against the Dissenters and whig party, who in his ideas endeavoured to monopolize the whole political influence of the country, and against the power of the British cabinet, whose system it was to keep Ireland in a state of perpetual bondage and subserviency to the mere nod of the conqueror. "Therefore," said he in *his State of Ireland*, "It is too well known, that we are forced to obey "some laws, we never *consented to*; which is a condition I must not call by its "true uncontrolled name, for fear of Lord Chief Justice Witshed's ghost "with his *libertas et natale solum* written for a motto on his coach, at it stood "at the door of the court, whilst he was perjuring himself to betray both." Swift rendered himself particularly obnoxious to government about this time, by publishing his *Drapier's Letters*, and other patriotic works in defence of his oppressed country, but especially for his proposal for the universal use of Irish manufactures, in clothes and furniture of houses, utterly rejecting and renouncing every thing wearable, that came from England; on account of which publication, a prosecution was set on foot against Waters the printer, by the express command of the lord lieutenant, who sent to the Lord Chief Justice Witshed before the trial, informing him, that a most seditious, factious, and virulent libel had been published, with a design of setting the two kingdoms at variance, and therefore that the printer should be prosecuted with all the severity of the law. The lord chief justice's zeal on such an occasion wanted no spur: however he outran his commission, by indecently declaring towards the commencement of the trial, that the author's intention was to bring in the *pretender*. Government had offered a reward of 300*l.* for the discovery of the author of these letters: but so popular and interesting to Ireland was the subject of them, that no one was found base enough to betray him: which firmness in the cause brought on the prosecution of the printer. In Ireland more than elsewhere does a jury seize the spirit of the day. Notwithstanding they had found their verdict *not guilty*, yet so determinately was the chief justice bent upon procuring a verdict for the crown, that he kept the jury out eleven hours, and sent them nine times out of court, until at last he wearied them into a *special verdict*. This appears fully confirmed by one of the Primate's letters to the Duke of Newcastle, (1 vol. p. 112) and accounts for his lordship's anxiety to be removed to the common pleas, where he would be placed out of the occasion of executing again such commands of government. "My "Lord Chief Justice Witshed has been with me to desire he may be recommended to succeed Lord Chief Justice Wyndham. He represents that he "has with great zeal and fidelity served his majesty, and made himself many "enemies by so doing, and would hope for this favour as a reward of his services. I must do him the justice to say, that he has certainly served his "majesty with great zeal and affection, and has drawn on himself the anger "of the Jacobites by so doing, and other discontented persons here, by discountenancing seditious writings in the affair of the *halfpence*." Upon the death of Witshed August 1727, the primate's communications with Lord Carteret, then lord lieutenant, lay open to public view, the nature of the English interest, and the principles by which it was supported in Ireland. "I

conquered people. The Catholics broken down by oppression scarcely claimed their rights of existence, and were occasionally made the passive instruments of the three other parties according to the exigencies of their several temporary projects: and were too often made objects of new rigour and persecution, for the sole purpose of withdrawing the attention of their opponents from measures, which the particular parties wished to carry. Several measures of the British cabinet with reference to Ireland, immediately tended to convince the *whole of the Irish nation*, that the prosperity, welfare, and felicity of that kingdom, had but little sway, in determining their conduct towards it. Hence the Tory party, which still persisted in their old principles to oppose the Whig administration, being joined by those,

“ must take this occasion to press your excellency that his place may be filled  
 “ from England. I can assure your lordship, that we have by experience found  
 “ the want of two English judges in the privy council, since the removal of  
 “ my lord chancellor to his present post: and I am confident, where there is  
 “ the least shew of an affair between England and Ireland, or where there is  
 “ need of impartiality between any contending parties, that may be before the  
 “ council, we shall be in the last distress, if this vacancy be not filled from  
 “ England.” (1 vol. p. 194.) And in a letter of the same date to the Duke  
 “ of Newcastle, (p. 195) he says: “ we have found by experience since the lord  
 “ chief baron has been the only Englishman amongst the three chief judges,  
 “ that things have gone very heavy in the privy council here. When any thing  
 “ is transacting in council, that can be thought to be for the advantage of  
 “ England, or where any person of consideration here may be offended, the  
 “ best we can hope for from a native of this place is, that he will stay away from  
 “ council, instead of promoting the king’s service by his presence and debat-  
 “ ing.”

As the patronage of Ireland as well as England rested with the crown, no wonder, that the English interest acquired and so long kept its ascendancy over all the other parties: and it appears from this prelate’s letters, how far it was systematically applied to that intent. So said he to his grace of Newcastle on the 16th of November, 1725: “ I am very sorry, that I must send your grace word,  
 “ that yesterday, the *discontented* carried every thing before them, and have  
 “ falsely stated the debt of the nation, and (in effect) closed the supply....  
 “ Great pains have been taken by my lord lieutenant and by all his majesty’s  
 “ servants and friends of consequence, to bring the members to reason, and  
 “ much has been said in the house in debates on these occasions, on the side  
 “ of his majesty’s service. There wants no accident here to furnish a bottom  
 “ of popularity, every one having it always in his power to grow popular, by  
 “ setting up for the Irish in opposition to the English interest. And there is  
 “ no doubt, but some occasion of things going as they have, has been an un-  
 “ willingness in too many to see an *English* administration well established  
 “ here: and an intention to make all the *English* already here, uneasy, and to  
 “ deter others from coming hither. But if those, who have places here, and  
 “ yet have joined in the late measures, are remembered after the sessions;  
 “ and if nobody finds his account in having headed the opposition made now  
 “ to his majesty’s service, I do not doubt but the face of affairs here will  
 “ gradually alter, and we may hope the next session will be more easy and  
 “ successful.” This prelate’s letters superabound with the most impressive  
 opportunities to all the members of the British cabinet, that none but English-  
 men should be put into the great places in Ireland in future. A system of  
 political intrigue most injurious to Ireland, is the burthen of his whole cor-  
 respondence.



who threw their eyes upon the real state of their country and exerted their efforts to advance its prosperity, the whole of the old and new party acquired (and perhaps not undeservedly) the common appellation of *patriots*.\* This was the party, which

\* Amongst these shone conspicuously Dean Swift, whose Drapier's Letters have at all times been considered amongst the most effectual engines used in procuring the reversal of Wood's patent. The subject is there treated with much force and perspicuity, and the pernicious consequences to Ireland are pointed out with peculiar judgment and effect. In the same spirit did the dean write his *State of Ireland*; *The Presbyterians Plea of Merit*, and afterwards, *Reasons for repealing the Sacramental Test, written in the Style of a Roman Catholic*, and several other works. In his *State of Ireland*, he says, "Ireland is the only kingdom I ever heard or read of, either in ancient or modern story, which was denied the liberty of exporting their native commodities and manufactures wherever they pleased, except to countries at war with their own prince or state: yet this privilege by the superiority of mere power, is refused us in the momentous parts of commerce: besides an act of navigation, to which we never consented, pinned down upon us and rigorously executed, and a thousand other unexampled circumstances as grievous as they are invidious to mention." Then enumerating several, he adds, "in all which we have likewise the honour to be distinguished from the whole race of mankind." So sensible was Swift of the wretched state of policy in the government of Ireland, that he wrote an essay which he intitled, *Maxims controlled in Ireland*. He sets out by observing, that there are certain maxims of state founded upon long observation and experience, drawn from the constant practice of the wisest nations, and from the very principles of government, nor ever controlled by any writer upon politics. He then undertakes to prove (he unfortunately succeeded too well in proving) the falsity of the following maxims as to Ireland.

1st. That the dearness of things necessary for life in a fruitful country is a certain sign of wealth and great commerce: for when such necessaries are dear, it must absolutely follow, that money is cheap and plentiful.

2d. That low interest is a certain sign of great plenty of money in a nation.

3d. That the great increase of buildings in the metropolis argues a flourishing state.

4th. That people are the riches of a nation. The practical inversion of these axioms in Ireland, is the most damning proof of the infelicity and bad government of that country. In support of his observations on the fourth of these maxims, he tells a too lamentable truth: that above one half of the souls in that kingdom then supported themselves by begging and thieving, whereof two thirds would be able to get their bread in any other country upon earth: he therefore said, "he rejoiced at a mortality as a blessing to individuals and the public." In order to form an unbiassed judgment of the state of Ireland at the period under consideration; it is fitting to see what the great manager of the English interest in Ireland says on the other side of the question. Primate Boulter upon his arrival in Dublin in November 1724, informs his grace of Canterbury, "that I have little to complain of, but that too many of our own original esteem us Englishmen as intruders." Within a fortnight, he informs the Duke of Newcastle, that, "We are in a very bad state, and the people so poisoned with apprehensions of Wood's half-pence, that I do not see there can be any hopes of justice against any person for seditious writings, if he does but mix something about Wood in them." "All sorts here are determinately set against Wood's half-pence, and look upon their estates as half sunk in their value, whenever they shall pass upon the nation. Our pamphlets and the discourses of some people of weight run very much upon the independency of this kingdom: and in our present state, that is a very popular notion."....."Though all people are equally set against Wood here, yet many of the present madnesses are supposed to come from Papists

Primate Boulter always affected to term *the discontented*, and not unfrequently *the king's enemies* : and of whose successful opposition, to the measures of those whom his grace termed *the king's servants*, and consequently *his friends*, he had complained. In no instance were the exertions of the patriots more brilliantly successful than in opposing Mr. Wood's patent for coining half-pence, which they considered as one of those infamous jobs, of which such loud and repeated complaints have been since heard in Ireland.

As there had not been for many years a coinage of copper in Ireland, the low medium of half-pence and farthings had become very scarce ; and the deficiency was found to be attended with great inconveniency. Applications were made to England for a new coinage ; but in vain. What was refused to the loud and impressive voice of the Irish nation, was granted to the intriguing and unfair influence of a speculating individual, one William Wood ; who obtained a patent for coining copper half-pence and farthings for the use of Ireland, to the amount of 108,000*l.* and which he made of such base alloy, that the whole mass was not worth 8000*l.* Of this base coin he poured an immense infusion into Ireland. Brass multiplied beyond example : was not only used in change, but attempted to be forced in payments. The Irish nation took the alarm, and made it a national cause : and it may be said to have been the first, in which all parties in Ireland had ever come to issue with the British Cabinet. The Irish parliament, in an address to the throne, told the king, they were called upon by their country to represent the ill consequences to the kingdom likely to result from Wood's patent : that the diminution of the revenue and the ruin of trade was the prospect, which it presented to view. An application from the privy council of Ireland to the king spoke the same language : and addresses from most of the city corporations throughout the kingdom to the like effect were handed up to the throne.

" mixing with and setting on others, with whom they formerly had no manner of correspondence." Upon a report of an appointment having been promised of the See of Dublin on the illness of Archbishop King, who had been translated from Derry to that See in the year 1702, Primate Boulter tells the Duke of Newcastle, " I ~~do~~ be not allowed to form proper dependencies here, to break the present Dublin faction on the Bench, it will be impossible for me to serve his majesty further than in my single capacity. I do not speak this, as if I did not think there are some on the English Bench ; that would do very well in Dublin, and would heartily join with me in promoting his majesty's measures : or that I do not esteem it wise gradually to get as many English on the Bench here, as can decently be sent hither : but that I think being on the English Bench alone is not a sufficient qualification for coming to the best promotions here, and that an imprudent person may be easily tempted by Irish flattery to set himself at the head of the Archbishop of Dublin's party in opposition to me : and besides as there is a majority of Bishops here that are natives, they are not to be disobliged at once." (4th of March 1724.)

At the quarter session, the country gentlemen and magistrates unanimously declared against it. And the grand jury of the county of Dublin presented all persons, who attempted to impose upon the people of Ireland the base coin, as enemies to government, and to the safety, peace and welfare of his majesty's subjects. It was not to be expected, that an individual speculator, who could raise an interest with the British Cabinet more powerful than the united voice\* of the whole people of Ireland, should forego all his golden prospects of enormous gains from the opposition of those, whom he had in the first instance baffled and defeated. He still commanded such influence with his patrons, as to bring forth a report from the privy council of England in his favour, which cast very severe (not to say indecent) reflections upon the parliament of Ireland, for having opposed his patent. After the nation had been kept in turbulent agitation for a year by the real or imaginary effects of this job, tranquillity was at last restored by his majesty's revocation of the patent, which put an end to the currency of this base money, and opened to Ireland a dawn of confidence, that their sovereign's ear would not be for ever shut against the united voice of his Irish people.†

Little else happened during the remainder of the reign of George the first, that in any manner affected Ireland: he died on the 11th of June 1727. His enemies have never charged him with any personal vices: having come to the throne at an ad-

\* For the address of the commons to the king, in the first instance, vide 3 Journ. 325, and for their address to his majesty on his gracious answer to the first address, page 368.

† The Primate Boulter found the real spirit of the nation so pointedly against enforcing Wood's patent, that he was compelled even reluctantly to recommend its revocation. "As the session of parliament," said he to his grace the Duke of Newcastle on the 3d of July 1725, "is now drawing near, I hope my lord lieutenant will be empowered in his speech to speak clearly as to the business of the half-pence, and thoroughly rid this nation of their fear on that head: I shall hope if that is done we shall have a pretty easy session." And "if the dread of Wood's half-pence is effectually removed, I hardly doubt of a good issue of the session." The primate, though he could have no doubt of the impropriety and mischief of Wood's patent, yet in the true style of courtly protection to its own creatures, he always contended "that Wood could not be supposed willing to resign it without a proper compensation, (as if the obtaining such a patent had been a work of meritorious or laborious service) and that the seditious and clamorous behaviour of too many here, must rather tend to provoke his majesty and his ministry to support the patent, than to take any extraordinary steps to sink it: and that therefore the most proper way seemed to be, the proposing some reasonable amends to Mr. Wood, in order to his resigning the patent." (*Letter to the Duke of Newcastle, 19th of January 1724.*) However, upon the 25th of September 1725, he tells lord Townsend, "I must likewise acknowledge the obligation we all lie under here for your procuring so great an instance of his majesty's goodness, as the revoking of Wood's patent."



vanced period of life, his deportment and manner were rather reserved and formal : he was attentive to business : and had the good fortune to have the merits of his reign attributed personally to himself, whilst its defects were thrown upon the corruption and false principles of his ministers.

END OF THE FIRST VOLUME.

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# APPENDIX.

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## NO. I.

THE BULL OF ADRIAN IV. BY WHICH HE GRANTED IRELAND  
TO HENRY II.

(*Historical Review, &c. p. 22.*)

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ADRIAN the bishop, the servant of the servants of God, to his most dear son in Christ, the noble king of England, sendeth greeting and apostolic benediction. Your magnificence hath been very careful and studious how you might enlarge the church of God here in earth, and increase the number of saints and elect in heaven, in that as a good Catholic king, you have and do by all means labour and travel to enlarge and increase God's church, by teaching the ignorant people the true and Christian religion, and in abolishing and rooting up the weeds of sin and wickedness. And wherein you have, and do crave, for your better furtherance, the help of the apostolic see (wherein more speedily and discreetly you proceed) the better success, we hope, God will send ; for all they, which of a fervent zeal and love in religion, do begin and enterprise any such thing, shall no doubt in the end, have a good and prosperous success. And as for Ireland, and all other islands, where Christ is known and the Christian religion received, it is out of all doubt, and your excellency well knoweth, they do all appertain and belong to the right of St. Peter, and of the church of Rome ; and we are so much the more ready, desirous, and willing, to sow the acceptable seed of God's word, because we know the same in the latter day will be most severely required at your hands. You have (our well beloved son in Christ) advertised and signified unto us, that you will enter into the land and realm of Ireland, to the end to bring them to obedience unto law, and under your subjection, and to root out from among them their foul sins and wickedness ; as

also to yield and pay yearly out of every house, a yearly pension of one penny to St. Peter, and besides also will defend and keep the rites of those churches whole and inviolate. We therefore, well allowing and favouring this your godly disposition and commendable affection, do accept, ratifie, and assent, unto this your petition, and do grant that you (for the dilating of God's church, the punishment of sin, the reforming of manners, the planting of virtue, and the encreasing of Christian religion) do enter to possess that land, and there to execute according to your wisdom, whatsoever shall be for the honour of God, and the safety of the realm. And further also we do strictly charge and require, that all the people of that land do with all humbleness, dutifulness, and honour, receive and accept you as their liege lord and sovereign, reserving and excepting the right of Holy Church to be inviolably preserved, as also the yearly pension of Peter pence out of every house, which we require to be truly answered to St. Peter and to the church of Rome. If therefore you do mind to bring your godly purpose to effect, endeavour to travail to reform the people to some better order and trade of life, and that also by yourself and by such others as you shall think meet, true and honest in their life, manners, and conversation, to the end the church of God may be beautified, the true Christian religion sowed and planted, and all other things done, that by any means shall or may be to God's honour and salvation of men's souls, whereby you may in the end receive of God's hands the reward of everlasting life, and also in the mean time, and in this life carry a glorious fame and an honourable report among all nations.

THE CONFIRMATION OF THE FORMER GRANT BY ALEXANDER III.

ALEXANDER the bishop, the servant of the servants of God, to his dearly beloved son, the noble king of England, greeting, grace and apostolic benediction. Forasmuch as things given and granted upon good reason by our predecessors, are to be well allowed of, ratified and confirmed, we well considering and pondering the grant and privilege for, and concerning the dominion of the land of Ireland to us appertaining, and lately given by Adrian our predecessor, we following his steps, do in like manner confirm, ratifie, and allow the same; reserving and saving to St. Peter, and to the church of Rome, the yearly pension of one penny out of every house, as well in England as in Ireland. Provided also, that the barbarous people of Ireland, by your means, be reformed and recovered from their filthy life and abominable conversation; that as in name, so in life and manners



they may be Christians, and that as that rude and disordered church, being by you reformed, the whole nation may also with the possession of the name be in acts and deeds followers of the same.

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## NO. II.

THE TREATY OR ARTICLES OF WINDSOR....PAGE 26.

HIC est finis et concordia quæ facta fuit apud Windesore, in Octabis Sancti Michaelis anno Gratiae 1177, inter Dominum Regem Angliæ Henricum Secundum, et Rodericum Regem Conaciæ per Catholicum Tuamensem Archiepiscopum et Abbatem C. Sancti Brandani, et Magistrum Laurentium cancellarium Regis Conaciæ.

1mo. Quod Rex Angliæ concedit prædicto Roderico, ligeo homini suo Regnum Conaciæ, quamdiu ei fideliter serviet, ut sit Rex sub eo, paratus ad servitium suum, sicut homo suus ; et ut teneat terram suam, ita bene, et in pace sicut tenuit antequam Dominus Rex Angliæ intravit Hiberniam, reddendo ei tributum ; et totam illam terram et habitatores terræ habeat sub se ; et justitiæ ut tributum Regi Angliæ integre persolvant, et per manum ejus sua jura sibi conservent, et illi qui modo tenent, teneant in pace, quamdiu manserint in fidelitate Regis Angliæ ; et fideliter et integre persolverint tributum et alia jura sua, quæ ei debent per manum Regis Conaciæ ; salvo in omnibus jure et honore Domini Regis Angliæ et suo.

2do. Et siqui ex eis Regi Angliæ, et ei rebelles fuerint, et tributum et alia jura Regis Angliæ, per manum ejus solvere noluerint, et a fidelitate Regis Angliæ recesserint, ipse eos justitiet et amoveat, et si eos per se injustiare non poterit, Constabularius Regis Angliæ et familia sua de terrâ illâ juvabunt eum ad hoc faciendum, cum ab ipso fuerint requisiti, et ipsi viderint quod necesse fuerit, et propter hunc finem reddet prædictus Rex Conaciæ Domini Regi Angliæ tributum singulis annis, scilicet, de singulis decem animalibus unum corium placabile mercatoribus, tam de totâ terrâ suâ, quam de alienâ.

3o. Exceptò, quod de terris illis, quas Dominus Rex Angliæ retinuit in dominio suo, et in dominio Baronum suorum, nihil se intromittet ; scilicet Durelina cum pertinentiis suis, sicut unquam Murchait, Wamai, Lethlachlin eam melius et plenius tenuit, aut aliqui qui eam de eo tenuerint. Et exceptâ Wexfordiâ, cum omnibus pertinentiis suis ; scilicet, cum totâ Lageniâ, et exceptâ Wa-

terfordiâ usque ad Dungarvan, ita ut Dungarvan sit, cum omnibus pertinentiis suis infra terram illam.

4to. Et si Hibernensis illi qui aufugerint, redire voluerint ad terram Baronum Regis Angliæ, redeant in pace, reddendo tributum prædictum quod alii reddunt, vel faciendo antiqua servitia, qua facere solebant pro terris suis ; et hoc sit in arbitrio Dominorum suorum ; et si aliqui eorum redire noluerint Domini eorum et Rex Conaciæ accipiat obsides, omnibus quos ei commisit Dominus rex Angliæ, ad voluntatem Domini Regis et suam, et ipse dabit obsides ad voluntatem Domini Regis Angliæ illos vel alios ; et ipsi servient Domino de canibus et avibus suis singulis annis de pertinentiis suis, et nullum omnino de quâcumque terrâ Regis sit, retinebunt contra voluntatem Domini Regis. His testibus Richardo Episcopo Wintoniæ, Gaufrido Episcopo Eliensi, Laurentio Duveliensi Archiepiscopo, Gaufrido, Nicholao et Rogero Capellanis Regis, Gulielmo Comite Essexii, et aliis multis, etc.

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### NO. III.

EXTRACTS FROM THE IRISH REMONSTRANCE TO POPE JOHN

XXII....PAGE 37.

IT is extremely painful to us, that the viperous detractions of slanderous Englishmen, and their iniquitous suggestions against the defenders of our rights, should exasperate your holiness against the Irish nation. But alas, you know us only by the misrepresentation of our enemies, and you are exposed to the danger of adopting the infamous falsehoods, which they propagate, without hearing any thing of the detestable cruelties they have committed against our ancestors, and continue to commit even to this day against ourselves. Heaven forbid, that your holiness should be thus misguided ; and it is to protect our unfortunate people from such a calamity, that we have resolved here to give you a faithful account of the present state of our kingdom, if indeed a kingdom we can call the melancholy remains of a nation, that so long groans under the tyranny of the kings of England, and of their barons ; some of whom, though born among us, continue to practise the same rapine and cruelties against us, which their ancestors did against ours heretofore. We shall speak nothing but the truth, and we hope, that your holiness will not delay to inflict condign punishment on the authors and abettors of such inhuman calamities.

Know then, that our forefathers came from Spain, and our chief apostle St. Patrick, sent by your predecessor, Pope Celestine, in the year of our Lord 435, did by the inspiration of the Holy Ghost, most effectually teach us the truth of the Holy Roman Catholic faith, and that ever since that, our kings well instructed in the faith, that was preached to them, have, in number sixty-one, without any mixture of foreign blood, reigned in Ireland to the year 1170. And those kings were not Englishmen, nor of any other nation but our own, who with pious liberality bestowed ample endowments in lands, and many immunities on the Irish church, though in modern times our churches are most barbarously plundered by the English, by whom they are almost despoiled. And though those our kings, so long and so strenuously defended, against the tyrants and kings of different regions the inheritance given them by God, preserving their innate liberty at all times inviolate; yet, Adrian IV. your predecessor, an Englishman, more even by affection and prejudice, than by birth, blinded by that affection and the false suggestions of Henry II. King of England, under whom, and perhaps by whom, St. Thomas of Canterbury was murdered, gave the dominion of this our kingdom by a certain form of words to that same Henry II. whom he ought rather to have stript of his own on account of the above crime.

Thus, omitting all legal and judicial order, and alas! his national prejudices and predilections blindfolding the discernment of the pontiff, without our being guilty of any crime, without any rational cause whatsoever, he gave us up to be mangled to pieces by the teeth of the most cruel and voracious of all monsters. And if sometimes nearly flayed alive, we escape from the deadly bite of these treacherous and greedy wolves, it is but to descend into the miserable abysses of slavery, and to drag on the doleful remains of a life more terrible than death itself. Ever since those English appeared first upon our coasts in virtue of the above surreptitious donation, they entered our territories under a certain specious pretext of piety and external hypocritical shew of religion; endeavouring in the mean time, by every artifice malice could suggest, to extirpate us root and branch, and without any other right, than that of the strongest, they have so far succeeded by base and fraudulent cunning, that they have forced us to quit our fair and ample habitations and paternal inheritances, and to take refuge, like wild beasts, in the mountains, the woods, and the morasses of the country; nor can even the caverns and dens protect us against their insatiable avarice. They pursue us even into these frightful abodes, endeavouring to dispossess us of the wild uncultivated rocks, and arrogating to themselves the property of every place, on which we can stamp the figure of our feet; and



through an excess of the most profound ignorance, impudence, arrogance, or blind insanity scarce conceivable, they dare to assert, that not a single part of Ireland is ours, but by right entirely their own.

Hence the implacable animosities and exterminating carnage, which are perpetually carried on between us; hence our continual hostilities, our detestable treacheries, our bloody reprisals, our numberless massacres, in which since their invasion to this day, more than 50,000 men have perished on both sides: not to speak of those, who died by famine, despair, the rigours of captivity, nightly marauding, and a thousand other disorders, which it is impossible to remedy, on account of the anarchy in which we live; an anarchy, which alas! is tremendous not only to the state, but also to the church of Ireland; the ministers of which are daily exposed, not only to the loss of the frail and transitory things of this world, but also to the loss of those solid and substantial blessings, which are eternal and immutable.

Let those few particulars concerning our origin, and the deplorable state, to which we have been reduced by the above donation of Adrian IV. suffice for the present.

We have now to inform your holiness, that Henry, king of England, and the four kings his successors, have violated the conditions of the pontifical bull, by which they were impowered to invade this kingdom; for the said Henry promised, as appears by the said bull, to extend the patrimony of the Irish church, and to pay to the apostolical see, annually one penny for each house; now this promise, both he and his successors above mentioned, and their iniquitous ministers, observed not at all with regard to Ireland. On the contrary, they have entirely and intentionally eluded them and endeavoured to force the reverse.

As to the church lands, so far from extending them, they have confined them, retrenched them, and invaded them on all sides, insomuch that some cathedral churches have been by open force, notoriously plundered of half their possessions; nor have the persons of our clergy been more respected; for in every part of the country, we find bishops and prelates cited, arrested, and imprisoned without distinction, and they are oppressed with such servile fear by those frequent and unparalleled injuries, that they have not even the courage to represent to your holiness the sufferings they are so wantonly condemned to undergo. But since they are so cowardly and so basely silent in their own cause, they deserve not that we should say a syllable in their favour. The English promised also to introduce a better code of laws and enforce better morals among the Irish people; but instead of this they have so corrupted our morals, that the holy and dove-like simplicity of our nation is, on account of the flagitious example

of those reprobates, changed into the malicious cunning of the serpent.

We had a written code of laws, according to which our nation was governed hitherto ; they have deprived us of those laws, and of every law except one, which it is impossible to wrest from us ; and for the purpose of exterminating us they have established other iniquitous laws, by which injustice and inhumanity are combined for our destruction. Some of which we here insert for your inspection, as being so many fundamental rules of English jurisprudence established in this kingdom.

Every man not an Irishman, can on any charge however frivolous, prosecute an Irishman ; but no Irishman whether lay or ecclesiastic (the prelates alone excepted) can prosecute for any offence whatsoever, because he is an Irishman. If any Englishman should, as they often do, treacherously and perfidiously murder an Irishman, be he ever so noble or so innocent, whether lay or ecclesiastic, secular or regular, even though he should be a prelate, no satisfaction can be obtained from an English court of justice ; on the contrary the more worthy the murdered man was, and the more respected by his own countrymen, the more the murderer is rewarded and honoured ; not only by the English rabble, but even by the English clergy and bishops ; and especially by those, whose duty it is chiefly, on account of their station in life, to correct such abominable malefactors. Every Irish woman, whether noble or ignoble, who marries an Englishman, is after her husband's death deprived of the third of her husband's lands and possessions, on account of her being an Irish woman. In like manner, whenever the English can violently oppress to death an Irishman, they will by no means permit him to make a will or any disposal whatsoever of his affairs : on the contrary, they seize violently on all his property, deprive the church of its rights, and per force reduce to a servile condition that blood, which has been from all antiquity free.

The same tribunal of the English, by advice of the King of England, and some English bishops, among whom the ignorant and ill-conducted Archbishop of Armagh was president, has made in the city of St. Kenniers (Kilkenny) the following absurd and informal statute : that no religious community in the English pale, shall receive an Irishman as novice, under pain of being treated as contumacious contemnors of the King of England's laws.—And as well before as after this law was enacted, it was scrupulously observed by the English Dominicans, Franciscans, monks, canons, and all other religious orders of the English nation, who shewed a partiality in the choice of their religious subjects ; the more odious, inasmuch as those monasteries were founded by Irishmen, from which Irishmen are so basely excluded by En-

glishmen in modern times. Besides, where they ought to have established virtue, they have done exactly the contrary ; they have exterminated our native virtues, and established the most abominable vices in their stead.

For the English, who inhabit our island, and call themselves a middle nation (between English and Irish) are so different in their morals from the English of England, and of all other nations, that they can with the greatest propriety, be stiled a nation not of middling, but of extreme perfidiousness ; for it is of old, that they follow the abominable and nefarious custom, which is acquiring more inveteracy every day from habit, namely, when they invite a nobleman of our nation to dine with them, they, either in the midst of the entertainment, or in the unguarded hour of sleep, spill the blood of our unsuspecting countrymen, terminate their detestable feast with murder, and sell the heads of their guests to the enemy. Just as Peter Brumichehame, who is since called the treacherous baron, did with Mauritius de S—— his fellow sponsor, and the said Mauritius' brother, Calnacus, men much esteemed for their talents and their honour among us ; he invited them to an entertainment on a feast day of the Holy Trinity ; on that day the instant they stood up from the table, he cruelly massacred them, with twenty-four of their followers, and sold their heads at a dear price to their enemies ; and when he was arraigned before the King of England, the present king's father, no justice could be obtained against such a nefarious and treacherous offender. In like manner Lord Thomas Clare, the Duke of Gloucester's brother, invited to his house the most illustrious Brien Roe O'Brien of Thomond his sponsor. - - - -

All hope of peace between us is therefore completely destroyed ; for such is their pride, such their excessive lust of dominion, and such our ardent ambition to shake off this insupportable yoke, and recover the inheritance, which they have so unjustly usurped ; that, as there never was, so there never will be any sincere coalition between them and us : nor is it possible there should in this life, for we entertain a certain natural enmity against each other, flowing from mutual malignity descending by inheritance from father to son, and spreading from generation to generation.

Let no person wonder then, if we endeavour to preserve our lives, and defend our liberties, as well as we can, against those cruel tyrants, usurpers of our just properties and murderers of our persons ; so far from thinking it unlawful, we hold it to be a meritorious act, nor can we be accused of perjury or rebellion, since neither our fathers or we, did at any time bind ourselves by any oath of allegiance to their fathers or to them, and therefore without the least remorse of conscience, while breath remains, we will attack them in defence of our just rights, and never



lay down our arms until we force them to desist. Besides, we are fully satisfied to prove in a judicial manner, before twelve or more bishops, the facts, which we have stated, and the grievances, which we have complained of. Not like the English, who in time of prosperity, condemn all legal ordinances, and if they enjoyed prosperity at present, would not recur to Rome, as they do now, but would crush, with their overbearing and tyrannical haughtiness, all the surrounding nations, despising every law human and divine.

Therefore, on account of all those injuries, and a thousand others, which human wit cannot easily comprehend, and on account of the kings of England, and their wicked ministers, who, instead of governing us, as they are bound to do, with justice and moderation, have wickedly endeavoured to exterminate us off the face of the earth, and to shake off entirely their detestable yoke, and recover our native liberties, which we lost by their means, we are forced to carry on an exterminating war; chusing in defence of our lives and liberties, rather to rise like men and expose our persons bravely to all the dangers of war, than any longer to bear like women their atrocious and detestable injuries; and in order to obtain our interest the more speedily and consistently, we invite the gallant Edward Bruce, to whom, being descended from our most noble ancestors, we transfer, as we justly may, our own right of royal dominion, unanimously declaring him our king by common consent, who in our opinion, and in the opinion of most men, is as just, prudent and pious, as he is powerful and courageous: who will do justice to all classes of people, and restore to the church those properties, of which it has been so damnably and inhumanly despoiled, &c.

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## NO. IV.

THE FOLLOWING IS THE FORM OF A PROCLAMATION MADE ON  
THE OCCASION OF CHANGING THE LORDSHIP INTO THE KING-  
DOM OF IRELAND....PAGE 55.

FORASMUCH as the hearts of all godly, natural, reasonable, and civil creatures be kindled with love and joy, when they hear of the prosperity, triumph and advancement of their natural sovereign liege lord; honourable assembly, ye shall understand, that the triumph shewed here this day is done principally to give

thanks to God, for his great benefits shewed to our noble and victorious king, Henry the eighth, and to deliver our own gladness and joy, that his majesty is now, as he hath always of right been, acknowledged by the nobility and commons of this his realm of Ireland, to be *King* of the same, and he and his heirs to be named, reputed and taken for evermore kings of Ireland, most worthy under God. And for manifestation partly of the gladness of the nobility here assembled, it is agreed by the king's deputy, and the lords spiritual and temporal, and the commons assembled in this parliament, that all prisoners of whatever estate, degree, or condition, however they be detained for murder, felony or other offences, which the said lord deputy may pardon, (treason, wilful murder, rape and debt only excepted) shall be clearly delivered out of prison or prisons though herein they may or any of them be detained, and all such prisoners as so shall be delivered, shall have their pardon frank and free, requiring the same accordingly. And God save the King's majesty, King Henry the Eighth, King of England, Ireland and France, defender of the faith, and in earth supreme head of the Church of England and Ireland.

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## No. V.

PROCLAMATION OF TEMPORARY CONSTITUTIONS MADE BY DEPUTY AND COUNCIL, IN MAGNO PARLIAMENTO....PAGE 56.

- 1st. That King Henry be received and called King of Ireland.
- 2d. That bishops may exercise their jurisdictions in their diocess, according to the law of God, and the canons.
- 3d. That laymen nor boys be not admitted to ecclesiastical preferments, and that such as be in already, shall be immediately deprived.
- 4th. That the demesnes of bishops, and the glebes of rectors and vicars not exceeding ten marks per annum, be exempted and privileged from taxes.
- 5th. That all those, that have dignities or benefices ecclesiastical, shall take orders and reside.
- 6th. That a general peace be proclaimed throughout Munster; and afterwards, he that commits murder or robbery shall be fined forty pounds, half to the king, and half to the lord of the fee.

7th. That larceny, above the value of fourteen pence, shall be punished with loss of an ear the first time, and t'other ear the second, and the third time with death.

8th. No horseman shall keep more garsons or boys, than horses, on pain of twenty shillings.

9th. That every father shall answer for his children, master for his servants, gentleman for his followers, and brother for his brethren, under his tuition, and shall give in a list of them.

10th. That every kerne, that has not a master, that will answer for him, be taken as a vagabond.

11th. That there be no more exactions to maintain horse or foot, or kernes, or to war against one another; and that no more coyne or livery be taken but by the deputies order at a general hustings.

12th. That nevertheless the captain of the county must have the usual contribution of the country for the public and his own private defence.

13th. That petty larceny be punished by a fine of three pounds six shillings and eight pence, whereof forty shillings shall be paid to the captain or lord of the county, and twenty shillings to the taniſt, *si non est particeps criminis*, and six shillings and eight pence to the informer.

14th. That no man buy goods above the value of five shillings, from any suspected person, at his peril, if they prove to be stolen.

15th. *Depopulatores agrorum et spoliatores per viam* and rape shall be punished with death without mercy.

16th. That no man shall meddle with any ecclesiastical officer or benefice, but pay all their tithe punctually, and half tithe of the fish taken by foreigners on the coast.

17th. That noblemen shall have but twenty cubits or bundles of linen in their shirts, horsemen eighteen, footmen sixteen, garsons twelve, clowns ten, and that none of their shirts shall be dyed with saffron on pain of twenty shillings.

18th. That the lord or gentlemen, into whose county a theft is traced, must trace it thence, or make restitution.

19th. No *histriones*, *mummers* or *players* at Christmas or Easter.

Lastly. The Earl of Ormond, in the counties of Waterford, Typperary and Kilkenny, and the Earl of Desmond in the rest of Munster, are made *custodes* and *executores* of these ordinances, with the assistance of the Bishop of Cashel.



## No. VI.

3 AND 4 P. AND M. C. 2. AN ACT WHEREBY THE KING AND QUEEN'S MAJESTIES, AND THE HEIRES AND SUCCESSOURS OF THE QUEEN BE ENTITLED TO THE COUNTRIES OF LEIX, SLEWMARGE, IRRY, GLINMALIRY, AND OFFAILY, AND FOR MAKING THE SAME COUNTRIES SHIRE GROUNDS....PAGE 62.

PRAYEN the commons in this present parliament assembled, that forasmuch as the O'Mores, Odempseys, O'Connors, and others of the Irishry, lately inhabiting the countries of Leix, Slewmerge, Irry, Glinmaliry, and Offaily, and by their sundry manifest treasons, after many pardons granted to them, and sundry benefits shewed to them, yet often rebelled, committing great hurts to the king and queen's majesties most loving subjects, by the which they provoked the most worthy prince, Edward the sixth, brother to our said sovereign lady, the queen's majestie, to use his power against them, who at length to his great charge did subdue and repress the said Irish rebels or enemies, bringing into his possession the countries aforesaid, sithence which time the said O'Mores, Odempseys, O'Connors, and others of the said Irishry, have traitorously, contrary to their bounden duties, by force entered the said countries, and them so did hold against the king and queen's majesties, unto such time as their majesties, by the diligent and painfull travaill and labour of the Right Honourable the Earl of Sussex, their majesties lord deputy in Ireland, by the sword evicted and reduced the said countries out of and from the wrongfull and usurped possession of the said Irish enemies or rebels to their majesties former possession, as of right appertayneth, and for that, that neither of the said countries is known to be within the limites of any shires or counties of this realm, no title could be found either to the said late king, or to their majesties, for and in the said countries, and the hereditaments of them as by their graces law is appointed to be in like case; by default whereof their majesties might not take order for the disposition of the said countries by their graunts as they now intend to doe. Bee it therefore ordeyned enacted and established by our said sovereign lord and lady the king and queens majesties, the lords spiritual and temporall, and the commons in this present parliament assembled, and by authoritie of the same, that the said king and queens majesties during the life of the said

queen, and the heires and successors of the said queen, shall have, hold and possess for ever as in the right of the crown of England and Ireland, the said counties of Leix, Slewmerge, Iwrye, Glimnalyrie and Offaily, and all singular seignories, honours, mannors, castles, fortresses, messuages, lands, tenements, woods, moores, pastures, mountaines, mareshes, waters, rivers, loghes, churches, chappels, advowsons, patronages, townes, fields, rentes, services, and all and singular other the hereditaments, spiritual and temporall, of what name, nature, kind or quality soever they bee of in the said countries and everie of them according to the auncient limits, meares, and boundes of the same countries, and everie of them, except all and singular such parsonages and vicarages, as now have cure there, the patronages whereof shall be likewise given to their majesties and to the heirs and successors of the said queens majestie for ever.

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## NO. VII.

FROM THE PREAMBLE OF 11 ELIZ. C. 1.

AND now most deere sovereign ladie, least that any man, which list not to seek and learn the truth, might be ledd eyther of his owne fantastical imagination, or by the sinister suggestion of others, to think that the strenge or lyne of the O'Neils should or aught by prioritie of title to hold or possesse anie part of the dominion or territories of Ulster, before your majesty, your heyres and successours, we your grace's said faithful and obedient subjects, for avoyding of all such scruple, doubt, and erroneous conceit, do intend here (pardon first craved of your majesty for our tedious boldnesse) to disclose unto your highnesse your auncient and sundry strong authentique tytles conveyed farre beyond the said lynage of the O'Neiles, and all other of the Irishrie, to the dignitie, state, title, and possession of this your grace's realm of Ireland. And therefore it may like your most excellent majestie to be advertised, that the auncient chronicles of this realm, written both in the Latine, English, and Irish tongues, alledge sundry auncient titles for the Kings of England to this land of Ireland. And first, that at the beginning, afore the coming of Irishmen into the sayd land, there were dwelling in a province of Spain, called Biscan, whereof Bayon was a member, and the chief citie; and that at the said Irishmen's comming in-

to Ireland, one King Gurmonde, sonne to the noble King Belan, King of Great Britaine, which is called England, was lord of Bayon, as many of his successours were to the time of King Henry the Second, first conquerour of this realm, and therefore the Irishmen should be the King of England his people, and Ireland his land. Another title is, that at the same time that Irishmen came of Biscay as exiled persons in sixtie ships, they met with the same King Gurmond upon the sea, at the Yles of Orcades, then coming from Denmark with great victory, their captaines called Heberus and Hermon, went to this king, and him told the cause of their comming out of Biscay, and him prayed with great instance, that he would graunt unto them, that they might inhabite some land in the west. The king at last, by advice of his counsel, granted them Ireland to inhabit, and assigned unto them guides for the sea to bring them thither; and therefore they should and aught to be the King of England's men. Another title is, the clerke Giraldus Cambrensis, writeth at large the historie of the conquest of Ireland, by King Henry the Second, your famous progenitor, how Dermot Mac Morch, prince of Leinster, which is the first part of Ireland, being a tyrant or tyraunts banished, went over the sea into Normandie, in the parts of France, to the King Henry, and him basely besought of succour, which hee obtayned, and thereupon became liegeman to the said King Henry, through which he brought power of Englishmen into the land, and married his daughter, named Eve, at Waterford, to Sir Richard Fitz Gilbert, earl of Stranguill, in Wales, and to him graunted the reversion of Leinster, with the said Eve his daughter. And after that the said earl granted to the said King Henry, the citie of Dublin, with certaine cantredes of land next to Dublin, and all the haven-townes of Leinster, to have the rest to him in quiet, with his grace's favour. Another title is, that in the year of our Lord God one thousand one hundred sixtie-two, the aforesaid King Henry landed at the citie of Waterford, within the realm of Ireland, and there came to him Dermot, King of Cork, which is of the nation of the Mac Carties, and of his own proper will became liege tributorie, for him and his kingdom, and upon that made his oath, and gave his hostages to the king. Then the king rode to Cashell, and there came to him Donalde, King of Limericke, which is of the nation of the O'Briens, and became his liege, as the other did. Then came to him Donalde, King of Ossorie, Mac Shaghlin, King of Ophaly, and all the princes of the South of Ireland, and became his liegemen aforesaid. Then went the said King Henry to Dublin, and there came to him O'Kinnill, King of Uriell, O'Rowrke, King of Meth, and Rothorick, King of all Irishmen of the land, and of Connaght, with all the princes, and men of value of the land, and became liege subjects and tributaries, by great oathes,



for them, their kingdomes, and lordshippes to the said King Henry, and that of their owne good wills, as it should seem, for that the chronicles make no mention of any warre or chivalrie done by the said King, all that time, that he was in Ireland. And in the year of our Lord God a thousand a hundred fourscore and five, he gave the land of Ireland to his youngest sonne John by name, about which time the said John came in person into Ireland, and held the same land. Another title is, that all the clergie of this realm assembled at Armagh at the time of the conquest, upon coming over of Englishmen our forefathers, and there it was decreed and deemed by them, that through the sinne of the people of the land, by the sentence of God, the mischiefe of the conquest then befell. Another title is, that the first comming and being of King Richard the Second, in Ireland, at the citie of Dublin, and other places of the land, there came unto him, with their own good wills, O'Neyl, captain of the Irishmen of Ulster, O'Breene of Thomond, O'Connor of Connaght, Arther Mac Morchie, captain of Irishmen in Leinster, and all captaines of Irishmen of Ireland, and became liege men to the said King Richard, and to him did homage and fealty, and for the more greater suretie bound themselves in great summes of money, by divers instruments, in case they did not truly keepe and hold their allegiance in the forme aforesaid; and therefore sayeth this clerk, that from the beginning of his time, which was about three hundred and fourscore years past, good is the King of England's title and right to the land and lordship of Ireland, and wisheth him for shame to hold the same as a thing of great price, in despite of them that would say the contrarie. This author, in a short collection of this his historie, saith, that one Robert Fitz Stephen was the first man, that opened the way of Ireland to the Earl Stranguyle, the earl to King Henry, the king to his son John, and that greatly hee is to be praised, that first so boldly began; and greater worthy of prayse, that after the beginning so nobly came to execute the thing so well began, but most of all he is to be praised, that shall end the same: which prayse, by God's divine prescience, is light on your majestie, in whose happie days this four hundred and four years began conquest is now ended, and brought to an honourable passe, without any great effusion of bloud, but by a godly conquest, in winning of the people and the land, who now being over layed by the mightiness of your power, and perswaded by the just and gracious dealing of your deputie here, are fatigated with warre, and begin to cry, first for your mercy, and next for your justice, to remaine as a continual stickler among them, and to right and end their causes for ever. Now leaving these historical titles, which be witnesse at time, and the meane whereby man is brought to the knowledge of antiquities, as a firme foundation layed for your majesties

good and sound right to this realm, we will corroborate the same with recent matter of record, verifying your majesties title in generalitie to the whole realm of Ireland, and in particularitie to the dominion and territories of Ulster. And therefore it is to be understood, that King Henry the Second, the first conquerour of this realme, sent one John de Corsie, being a valiant knight, and a borne subject to the crowne of England, into Ulster with a power of men, who first won the cite of Downe, and after that conquered all Ulster, and brought the people of the same in due subjection to the crowne of England, and for his painefull service and worthy deeds, did hold and possesse the sayd countrey of Ulster quietly of the King of England's gift, of whose companions in armes, there remaineth this day in Ulster, as a testimonie of that conquest, certaine stripes of English blood, as the Savages, Gordans, Fitz Simons, Chamberlins, Bensons, Russels, Audeleyes, Whytes, and many others, as proprietories of large portions of land, hardly and valiantly hitherto kept by them, although with great peril and povertie: which John de Corsie died without issue, after whose death the same countries were given to Hugh de Lacey, and to his heires, who died, having issue a daughter, which daughter was married to one Redmonde de Burgo, which Burgo, after three or four decentes, had issue a daughter, was espoused to Leonell, Duke of Clarence, third begotten son of your most famous progenitor King Edward the Third, who likewise quietly held the same countrey of Ulster during his life, in right of his sayd wife, and died, having issue Philippe, his only daughter, which was married to Edmonde Mortimer, earle of March, who long and honourably enjoyed the same countrey; which Edmond Mortimer had issue Roger Mortimer, earle of March, which had issue Edmond Mortimer, Anne, and Ellynor, which Edmond and Ellynor died without issue: and the said Anne was married to Richard, earle of Cambridge, sonne unto Edmond Langley, duke of York, the fifth begotten sonne of the said King Edward the Third; which Richard had issue the famous prince Richard Plantagenet, duke of York, which had issue that noble prince King Edward the Fourth, father to the virtuous Queen Elizabeth, your majesties grandmother, united in matrimony to the high and sage Prince Henry the Seventh, your majesties good and gracious grandfather: during all which time the O'Neyles were of no estimation, nor durst bear up head in Ulster, but lived as vassals and obedient people to the crowne of England, untill civill warres began in the realm of England, betwixt King Richard the Second, and Henry of Lancaster, sonne to John of Gaunt, by which discord the foundation of this commonwealth began to shake; for that those personages of honour and reputation here withdrew themselves to

England, to be occupied as they were affected in that factious time; upon whose departure the O'Neyles, and other Irishrie heere, sought and took opportunitie to withdraw from their dutie of allegiance, and so to doe all that, which appertained to rebellious and undutifull subjects to doe, and so discontinued uncontrolled, untill the foure and thirtieth year of the raign of your most famous and victorious father King Henry the Eighth, at which time O'Neyle, O'Breene, Mac William Bourk, and others, the greatest and chiefeest captaines of the Irishrie of this realm, repaired into England to his majestie's royal presence, and there with all humilitie, free consent, and good will submitted themselves unto his grace, resigning and surrendering up unto his highnesse hands their captainships, stiles, titles, dignities, superiorities, countries, and lands, to be ordered and disposed at his grace's pleasure; who, like a mercifull and bounteous prince, accepting the same, returned them home againe, with English names of honour, great gifts and possessions, to be holden in succession, by English tenure, of his majestie, his heires and successours for ever. And farther in a parliament holden at Dublin within this realm, the eight and twentieth year of the raigne of youre said most famous father, it was enacted by an act, intituled, *The Act of Absencie*:

“ That forasmuch as it was notorious and manifest, that this  
 “ land of Ireland, being heretofore inhabited and in due obedi-  
 “ ence to the said king's most noble progenitors, who in those  
 “ days, in the right of the crowne of England, had great posses-  
 “ sions, rents, and profites within the same land, hath principally  
 “ growen into ruine, rebellion, and decay, by occasion that great  
 “ dominions, lands, and possessions within the same land, as well  
 “ by the king's graunts, as by course of inheritance, descended to  
 “ noblemen of the realm of England, and especially the lands and  
 “ dominions of the earledomes in Ulster and Leinster; the con-  
 “ quest and winning whereof, in the beginning, not only cost the  
 “ king's said noble progenitors, and their faithfull subjects of this  
 “ realm, charges inestimable, but also those, to whom the said  
 “ lands was given then, and many years after abiding within the  
 “ said land, nobly and valiantly defended the same against all the  
 “ king's enemies, and also kept the same in such tranquillity and  
 “ good order, as the king of England had due obedience of the  
 “ inhabitation there, the laws obeyed, and of the revenues and re-  
 “ galitie were duely answered; and after the gift or discent of  
 “ the said lands, possessions, and dominions to the persons afore-  
 “ said, they and their heires absented themselves out of the said  
 “ land of Ireland, denjorning within the realm of England, not  
 “ pondering ne regarding the preservation thereof, the townes,  
 “ castles, and garrisons appertaining unto them, fell in ruin and



“ decay, and the English inhabitants therein, in default of defence  
 “ and justice and by compulsions of those of the Irish, were ex-  
 “ iled, whereby the king’s said progenitors lost as well their said  
 “ dominion and subjection there, as also all their revenues and  
 “ profites, and their said enemies, by redopting or retaining the  
 “ said lands, dominions, and possessions, were elevated into great  
 “ pride, power, and strength for suppressing of the residue of the  
 “ king’s subjects of this land, which they daily, ever since, have  
 “ attempted, whereby they from time to time usurped and en-  
 “ croached upon the king’s dominion, which hath been the prin-  
 “ cipall cause of the miserable estate wherein the land was at  
 “ that present time :” and those lands and dominions, by negli-  
 gence and default of the very inheritors, after this manner lost,  
 may bee good example to your majestie, intending by the grace  
 of God, the reformation of the said land, to foresee and prevent,  
 that the like shall not insue hereafter. Therefore the three es-  
 tates of this realm, assembled in the present parliament, did  
 enact, condicend, and agree, “ That your majesties said most  
 “ famous father should have, hold, possesse, and injoy, to him,  
 “ his heires and successors, for ever, as in the right of the crown  
 “ of England, as well the said earldomes of Ulster and Leinster, as  
 “ also all other honours, mannours, lordships, castles, seignories,  
 “ and other hereditaments whatever to the said persons in any  
 “ wise belonging or appertayning, within this your majesties realm  
 “ of Ireland.” And likewise in a parliament holden at the said  
 citie of Dublin within this land, in the three and thirtieth year  
 of the raign of your said most victorious father, it was enacted  
 then by authoritie of the said parliament, “ That your majesties  
 “ said most famous father should bee king of Ireland, and that  
 “ his highnesse, his heires and successours, as kings of the same  
 “ realm should have all kingly estate, preheminance, dignitie, and  
 “ superioritie over this land and the people of the same :” all  
 which recent and strong titles considered together with this your  
 majesties late honourable eviction of the said dominion of Ulster  
 from the usurpation of the traytirous intruder Shane O’Neyle,  
 maketh to manifest proof to the world of your cleere, sound and  
 unspotted titles, both to the whole body of this realm, and in par-  
 ticularitie to that part and member of Ulster, out of which hath  
 like to have growen the infection and subversion of this your  
 realm.

## NO. VIII.

LETTER FROM LORD ESSEX TO QUEEN ELIZABETH, DATED 15  
JUNE, 1598.....PAGE 69.

WHEN this shall come to your majesty's hands, I know not ; but whensoever it hath that honour, give it leave (I humbly beseech your majesty) to tell you, that now having passed through the provinces of Leinster and Munster, and been upon the frontier of Connaught (where the governour, and the chief of the province were with me) I dare begin to give your majesty some advertisement of the state of this kingdom, not as before by hearsay, but as I beheld it with mine own eyes. The people in general have able bodies by nature, and have gotten by custome ready use of arms, and by their late successes boldness to fight your majesties troupes : In their pride they value no man but themselves ; in their affection they love nothing but idleness and licentiousness ; in their rebellion they have no other end, but to shake off the yoke of obedience to your majesty, and to rout out all remembrance of the English nation in this kingdom. I say, I say this of the people in general ; for I find not only a great part thus affected, but that it is a general quarrel of the Irish ; and they who do not profess it, are either so few, or so false, that there is no account to be made of them. The Irish nobility, and lords of countries, do not only in their hearts affect this plausible quarrel, and are divided from us in religion, but have an especial quarrel against the English government, because it limiteth, and tieth them who have ever been, and ever would be as absolute tyrants as any are under the sun ; the towns (being inhabited by men of the same religion and birth as the rest) are so carried away with the love of gain, that for it, they will furnish the rebels with all things that may arm them, or inable them against the state, or against themselves. The wealth of the kingdom (which consisteth in cattel, oatmeal, and other victuals) is allmost in the rebels hands, who in every province, till my coming, have been masters of the field. The expectation of these rebels is very present, and very confident, that Spain will either so invade your majesty, that you shall have no leisure to prosecute them here, or so succour them, that they will get most of the towns into their hands, e'er your majesty shall relieve and reinforce your army, so that now if your majesty resolve to subdue these rebels by force, they are so many, and so

framed to be soldiers, that the war will certainly be great, costly, and long. If your majesty will seek to break them by factions amongst themselves, they are covetous and mercenary, and must be purchased, and their jesuits and practising priests must be hunted out, and taken from them, which now do sodder so fast and so close together: if your majesty will have a strong party in the Irish nobility, and make use of them, you must hide from them all purpose of establishing English government, till the strength of the Irish be so broken, that they shall see no safety but in your majestie's protection; if your majesty will be assured of the possession of your towns, and keep them from supplying the wants of the rebels, you must have garrisons brought into them able to command, and make it a capital offence for any merchant in Ireland to trade with the rebels, or buy and sell any arms or munition whatsoever; for your good subjects may have for their money out of your majestie's store that, which shall be appointed by order, and may serve for their necessary defence, whereas if once they be tradable, the rebels will give such extreme and excessive prices, that they will never be kept from them: if your majesty will secure this your realm from the danger of invasion, as soon as those, which direct and manage your majesty's intelligences give notice of the preparations, and readiness of the enemy, you must be as well armed, and provided for your defence: which provision consists in having forces upon the coast, enrolled and trained, in having magazines of victuals in your majestie's west and north-west parts, ready to be transported, and in having ships, both of war and transportation, which may carry and waft them both upon the first alarm of a decent; the enrolling and training of your subjects is no charge to your majestie's own coffers: the providing magazines will never be any loss, for in using them you may save a kingdom; and if you use them not, you may have your old store sold, and (if it be well handled) to your majestie's profit. The arming your majestie's ships, when you hear your enemy's army is gone to sea, is agreeable to your own provident and princely courses, and to the policies of all princes and states of the world. But to return to Ireland again; as I have shewed your majesty the dangers and disadvantages, which your servants and ministers here shall and do meet withall in this great work of reducing this kingdom, so I will now (as well as I can) represent to your majesty your strengths and advantages.

First, These rebels are neither able to force any walled town, castle, or house of strength, nor to keep any, that they get, so that while your majesty keeps your army and vigour, you are undoubtedly mistress of all towns and holds whatsoever; by which means, (if your majesty have good ministers) all the wealth of the land shall be drawn into the hands of your subjects; your soldiers



in the winter shall be with ease lodged, and readily supplied of any wants, and we that command your majesties forces, may make the war offensive and defensive, may fight and be in safety as occasion is offered.

Secondly, Your majesty's horsemen are so incomparably better than the rebels, and their foot are so unwilling to fight in battle, or gross (howsoever they be desirous to skirmish and loose fight) that your majesty may be allways mistress of the champion countries, which are the best parts of the kingdom.

Thirdly, Your majesty victualling your army out of England, and with your garrisons burning and spoiling the country in all places, shall starve the rebels in one year, because no place else can supply them.

Fourthly, Since no war can be made without munition, and munition this rebel cannot have but from Spain, Scotland, or your towns here, if your majesty will still continue your ships and pinnaces upon the coast, and be pleased send a printed proclamation, that upon pain of death, no merchant, townsman, or other subject, do traffick with the rebel, or buy or sell in any sort any kind of munition or arms, I doubt not but in short time I shall make them bankrupt of their own store, and I hope our seamen will keep them from any new.

Fifthly, Your majesty hath a rich store of gallant colonels, captains, and gentlemen of quality, whose example and execution is of more use, than all the rest of your troupes ; whereas the best men of quality among the rebels, who are their leaders and their horsemen, dare never put themselves to any hazard, but send their kerne, and their hirelings to fight with your majesty's troupes, so that although their common soldiers are too hard for our new men, yet are they not able to stand before such gallant men, as will charge them.

Sixthly, Your majesty's commanders being advised and exercised, know all advantages, and by the strength of their order will, in great fights, beat the rebels ; for they neither march, nor lodge, nor fight in order ; but only by the benefit of footmanship, can come on, and go off at their pleasure, which makes them attend a whole day, still skirmishing, and never engaging themselves, so that it hath been even the fault and weakness of your majesty's leaders, whensoever you have received any blow, for the rebels do but watch and attend upon all gross oversights.

Now if it please your majesty to compare your advantages and disadvantages together, you shall find, that though these rebels are more in number than your majesty's army, and have (though I do unwillingly confess it) better bodies and perfecter use of their arms, than those men, which your majesty sends over ; yet your majesty commanding the walled towns, holds, and

champion countries, and having a brave nobility, and gentry, better discipline and stronger order than they, and such means to keep from them the maintenance of their life, and to waste the country, which should nourish them, your majesty may promise yourself, that this nation will in the end be successful, though costly, and that your victory will be certain, though many of honest servants must sacrifice ourselves in the quarrel, and that this kingdom will be reduced, though it will ask (besides cost) a great deal of care, industry, and time.

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## No. IX.

EXTRACT FROM THE ANNALS OF THE FOUR MASTERS, RELATIVE  
TO SOME OF THE GREAT MILESIAK FAMILIES, WHO ATTENDED  
PARLIAMENT, A. D. 1585....PAGE 71.

IN this year, a proclamation has been published by the government, requiring of the chieftains of Ireland to assemble in parliament at Dublin, in the month of May; for at this time, most of the Irish were submissive to their prince. They accordingly obeyed the aforesaid order.

In this assembly appeared the chiefs of Tirconall and Tirone: particularly Torlogh, Luinagh, O'Neill, and Hugh the son of Firdarach O'Neill, last Baron of Dungannon, but in the present parliament received under the title of Earl of Tirone. O'Donall (Hugh the son of Magnus) Maguire, chief of Firmanagh, (Cuchonnact the son of Cuchonnact) O'Dogharty, chief of Inisoen, (Shane og the son of Shane) O'Boyle, (Torlogh son of Neill) O'Gallagher, John the son of Tuathal.

In the same parliament appeared the chieftains of Orgial, (Ros the son of Arthur Mac Mahon,) O'Cahane (Rory the son of Magnus,) chieftain of Oreacht, Conn O'Neile (the son of Null og,) chief of Clanna-boy, Magennis, chief of Hyveagh (Hugh the son of Donall og,) O'Rorke, chief of the western Breffny (Brian na Murtha, the son of Brian Ballach,) O'Riley, chief of the eastern Breffny (Shane Roc, the son of Hugh Conallach) together with his uncle Edmond, in contention with each other about the right of governing their country. The O'Farrals of Annally appeared also in this parliament, namely, O'Farral Can (William son of Donal,) and O'Farral boy (Fachtna son of Brian;) the Clan-Mury chiefs of Conaught presented themselves also in that assembly, viz. Hugh O'Conor (the son of Dermond O'Conordon,)

Teig og O'Connor Roe, Donall O'Connor Sligoe. Brian Mac Dermott appeared also as representative for May-lurg (*i. e.* the plains of Bayle,) as the chieftain of that district was disabled by his great age to appear in person, O'Berne, chief of Tirbrun on Shannon (Carbrey the son of Teige,) O'Kelly of Hy-Manly (Teige son of William,) O'Madden of Siol Anmead (Donall son of Shane.)

There appeared in that parliament also the the Earl of Clanrickard (the son Richard,) the two sons of O'Shagnussy (John and Dermond.) For the country of Ler-Conaght appeared Murcha-na-dua O'Flaherty. From Thomond appeared Donogh (the son of Conor,) Earl of Thomond, and Sir Turlogh O'Brien, elected a knight of parliament for the county of Clare; also Turlogh the son of Teige O'Brien and Macnamara (Shane,) as representative of the western district of Clan culim, and Boethius Mac Egan returned one of the knights of parliament for the county of Tipperary. Ros the son of O'Lochlin, of Burren; the son also of O'Brien, of Ara (Murtagh, the bishop of Killaloe,) O'Carrol of Ely (Calvagh,) Mac Caghlin (Shane,) the son of Arthur, O'Ducie of Coille na managh (Philip son of Othus,) Mac Brian O'Guanach (Murtogh,) the chieftain of Carigogonnel (Brian Duff O'Brian,) O'Mulrian (Conor na meinge,) Chieftain of Uathney O'Mulrian.

In the same parliament appeared a number of chiefs from South Mury, Mac Carthy Mor (Donall,) Mac Carthy Cairbreach (Owen son of Donall,) with his nephews by two brothers, Donall and Fingin. Two of the Mac Carthy Chiefs also, who were in contention about the estate of Alla. O'Sullivan of Bera (Owen son of Dermod,) O'Sullivan Mor (Owen son of Donall,) O'Mahony of Fun iararach (Conor,) O'Driscoll Mor (Fingin,) Mac Gilla Patric of Ossory (Fingin,) Macgeochagan, Chief of Kenel Fiacha (Conla,) O'Mulloy (Conall,) Chief of Fera-kall.

Few of the Cavenaghs, O'Burns, O'Tools, O'Duns, and O'Dempseys, appeared. Fiach Mac Hugh O'Burn, however, took his seat, as a representative for the part of the county of Wicklow he possessed, *i. e.* the glyn of Malura.

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## NO. X.

[PAGE 72.]

WHEREAS the Right Honourable Garret, earl of Desmond, hath assembled us his kinsmen, followers, and friends and scr-



vants about him, after his coming out of Dublin, and made us privy to such articles as by the lord deputy and council was delivered unto him the 8th of July, 1579, to be performed, as also his answers to the said articles, which said answers we find so reasonable, as we with one accord do council and advise the said earl not to consent nor yield to any more, than in his letter is already granted; and further the said earl declared unto us, that if he do not yield presently to the performance of the same articles, and put his pledges for observation thereof, that then the lord deputy will bend his force, and make war against him. We the persons underwritten do advise and counsel the said earl to defend himself from the violence of the said lord deputy, that doth ask so unreasonable a demand, as in the said articles is contained; and for to defend and stick to this our advise and council, we renounce God, if we do spare life, body, lands, and goods, but will be aiding, helping, and assisting the said earl, to maintain and defend this our advice against the said lord deputy, or any other, that will covet the said earl's inheritance.

In witness whereof to this our counsel to the said earl, we have hereunto put our hands the 18th of July, 1578.

Garret Desmond, Thomas Lixnaw, John Desmond, John Fitz James, Rory Mac Shehey, Morrogh O'Bryan, Moriarta Mac Bryan of Langcorthe, Fa. K. E.....Fa. D. K. B. Theobald Burk, Daniel O'Brian, Richard Burk, John Brown, Daniel Mac Canna of Dumbrain, James Russell, Richard Fitz Edmund Girald, Ulick Mac Thomas of Ballincarrigy, Ulick Burk, John Fitz William of Karnederry, Tug O'Heyn Chairely.

*Letter from Desmond to Ormond.*

MY LORD,

GREAT is my grief, when I think how heavily her majesty is bent to disfavour me; and, howbeit I carry the name of an undutiful subject, yet God knoweth, that my heart and mind are always most loyally inclined to serve my most loving prince, so it may please her highness to remove her displeasure from me. As I may not condemn myself of disloyalty to her majesty, so I cannot excuse my faults, but must confess I have incurred her majesty's indignation; yet when the cause and means, which were found, and devised to make me commit folly, shall be known to her highness, I rest in assured hope, that her most gracious majesty will think of me as my heart deserveth, as also those, who wrung me into undutifulness. From my heart, I am sorry that folly, bad counsels, flights, or any other things, have made me to

forget my duty ; and therefore I am most desirous to get conference with your lordship, to the end I may open and declare to you how tyrannously I was used ; humbly craving, that you will vouchsafe to appoint some time and place, where and when I may attend your honour ; and then I doubt not to make it appear, how dutiful a mind I carry : how faithfully I have, at my own charge, served her majesty, before I was proclaimed ; how sorrowful I am for my offences, and how faithfully I am affected ever hereafter to serve her majesty ; and so I commit your lordship to God.

(Subscribed)      GIRALD DESMOND.

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## No. XI.

BREVE OF POPE CLEMENT VIII. TO THE IRISH NATION....PAGE 77.

**CLEMENS** Papa VIII. universis et singulis venerabilibus fratribus archiepiscopis, episcopis et prælatis ; necnon dilectis filiis principibus comitibus, baronibus, populis regni Hiberniæ, salutem et apostolicam benedictionem.

Dum jam diu sicut accepimus, vos Romanorum pontificum prædecessorum nostrorum, ac nostris et apostolicæ sedis cohortationibus adducti, ad vestram libertatem recuperandam eamque, adversus hæreticos, tuendam et conservandam, bonæ memoriæ Jacobo Giraldino (qui durum servitutis jugum vobis ab Anglis sanctæ ecclesiæ desertoribus, impositum, summo animi ardore depellere, dum vixit pro viribus procuravit :) deinde Johanni Giraldino ejusdem Jacobi Consobrino, et novissimè dilecto filio nobili viro Hugoni principi ô Neillo dicto Comiti Tironensi, Baroni Dungennaniæ et capitaneo generali exercitûs Catholici in Hibernia conjunctis animis ac viribus presto fueritis ; ac opem et auxilium præstiteritis, ipsique duces et eorum milites manu Domini exercituum illis assistente, processu temporis plurima egregia facinora contra hostes viriliter pugnando præstiterint, et in posterum præstare parati sint, nos, ut vos ac dux et milites predicti alacrius in expeditionem hanc contra dictos hæreticos opem et operam in posterum etiam præstare studeatis, spiritualibus gratis et favoribus vos prosequi volentes eorundem prædecessorum nostrorum exemplo adducti ; ac de omnipotentis Dei misericordiâ, ac Beatorum Petri et Pauli Apostolorum ejus autoritate confisi, vobis omnibus et singulis qui prædictum Hugonem Tironensem Ducem ejusque exercitum

Catholicæ fidei assertores et propugnatores sequimini, ac illis vos adjunxeritis, aut auxilio, favore, comœatibus, armis, aliisque bellicis rebus seu quâcumque ratione eis in hac expeditione operam dederitis, ipsique Hugoni Duci, ejusque exercitus militibus universis et singulis, si vere pœnitentes et confessi, ac etiam, si fieri poterit, sacra communione refecti fueritis plenariam omnium peccatorum suorum veniam et remissionem, ac eamdem quæ proficiscentibus ad bellum contra Turcas, ad recuperationem Terræ Sanctæ per Romanos Pontifices concedi solita et misericorditer in Domino concedimus non obstantibus, &c.

Datum Romæ apud Sanctum Petrum sub annulo piscatoris, die decimo sexto Aprilis 1600. Pontificatûs anno nono.

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## NO. XII.

[PAGE 78.]

FROM THE MSS. TRINITY COLLEGE, DUBLIN, BEING A BRIEF DECLARATION TO THE QUEEN, CONCERNING THE ABUSES OF HER GOVERNMENT IN IRELAND, PARTICULARLY UNDER THE ADMINISTRATION OF SIR WILLIAM FITZ WILLIAMS, WRITTEN IN 1594, BY CAPTAIN THOMAS LEE.

### *To the Queen's Most Excellent Majesty.*

UNDERSTANDING, most gracious sovereign, the proud and insolent terms the lords of the north of Ireland do now stand upon, it maketh me bold to set down my knowledge of those parts to your majesty, because I have debated often with the chiefs of them, what was fit they should yield unto your majesty; and that it was unmeet for them in any sort to condition with your highness; in the end (after long debating) they seemed somewhat to like and allow of that which I demanded, as hereafter shall appear. And because your majesty may the better judge the causes of their discontentments, I have here set down the unconscionable courses, which have been held towards them, which being remedied, and that they may see your majesty doth no way allow of the same, there is no doubt (notwithstanding all their proud shew of disloyalty) but that they may be brought to dutiful obedience, and to yield you that profit, which neither your majesty now hath, nor any of your progenitors ever had; so as they may likewise have that, which they demand; being nothing unfit for your majesty to grant. In which discourse, if any thing



should seem unpleasing to your majesty, I humbly beseech you to pass it over and to peruse the rest, whereof I doubt not, but something will content your highness, for that it tendeth to your highness's service and commodity.

My meaning, whereby your highness's profit may arise, is by O'Donnel Maguire, Bryan Oge O'Rourke, and Bryan Oge M'Mahon.

The demands I made for your majesty were these, that they should receive your majesty's forces into their countries, and your laws to go current, as they did in other places, and some part of their countries to be reserved for your majesty to dispose unto them, who should govern them ; and they to charge themselves with that proportion, that was fit for them to bear.

To those demands they all yielded ; so that they might have such gentlemen chosen, as they knew would use no treachery, nor hard measures towards them, but to live upon that which your majesty would allow, and that which they would give of their free consents, and be no farther charged, and they would be as dutiful as any other country in Ireland now is. And how this may be performed, I have made bold, with your majesty's favourable liking, here to set down upon my knowledge, both how your majesty's forces may be received with their consent, and they to yield great profit in discharge of that, which your majesty allows to the soldiers, and the soldiers to be well satisfied.

The cause they have to stand upon those terms, and to seek for better assurance is, the harsh practices used against others by those, who have been placed in authority to protect men for your majesty's service, which they have greatly abused and used in this sort.

They have drawn unto them by protection three or four hundred of these country people, under colour to do your majesty service, and brought them to a place of meeting, where your garrison soldiers were appointed to be, who have there most dishonourably put them all to the sword : and this hath been by the consent and practice of the lord deputy for the time being. If this be a good course to draw these savage people to the state to do your majesty service, and not rather to enforce them to stand upon their guard, I humbly leave to your majesty.

When some one who hath been a bad member (pardoned by your majesty) hath heard himself exclaimed upon to be a notable thief after his pardon, and hath simply come in without any bonds, or any other enforcement, to an open session to take his trial, by your majesty's laws, if any could accuse him, notwithstanding his coming in after this manner, and without any trial at the time (because he was a bad man in times past,) there hath been order given in that session for the execution of him, and so he has lost his life,

to the great dishonour of your majesty, and discredit of your laws.

There have also been divers others pardoned by your majesty, who have been held very dangerous men, and after their pardon have lived very dutifully, and done your majesty great service, and many of them have lost their lives therein ; yet upon small suggestions to the lord deputy, that they should be spoilers of your majesty's subjects, notwithstanding their pardon, there have been bonds demanded of them for their appearance at the next sessions. They knowing themselves guiltless, have most willingly entered into bonds, and appeared, and there (no matter being found to charge them) they have been arraigned only for being in company with some of your highness's servitors, at the killing of notorious known traitors, and for that only have been condemned of treason, and lost their lives. And this dishonest practice hath been by the consent of your deputies.

When there have been notable traitors in arms against your majesty, and sums of money offered for their heads, yet could by no means be compassed, they have in the end (of their own accord) made means for their pardon offering to do great service, which they have accordingly performed to the contentment of the state, and thereupon received pardon, and have put in sureties for their good behaviour, and to be answerable at all times, at assizes and sessions, when they should be called ; yet notwithstanding there have been secret commissions given for the murdering of these men. They have often been set upon by the sheriff of shires, to whom the commissions were directed, in sundry of which assaults some of them have been killed, and others have hardly escaped. And after all this they have simply come, without pardon or protection, to an open place of justice, to submit themselves to your majesty's laws, where they have been put to their trial upon several indictments, of all which they have been acquitted, and set at liberty. If this be a course allowable for poor men to be handled in this manner, and to be at no time in safety of their lives, I humbly leave to your majesty.

When many notorious offenders have submitted themselves to your majesty's mercy, and have been accepted, and had their pardons, and have put in good assurances to be at all times answerable to your laws, the chiefest rebel (whose followers they were) has been countenanced and borne out by your state, to rob and spoil, burn and kill these poor men, who did thus submit themselves. When they have very pitifully complained against that arch rebel, and his complices of these outrages, they have been sharply rebuked and reprov'd for their speeches, and left void of all remedy for their losses ; so as when in the end they have made petition to have licence by their own means, and help of their friends, to recover their goods from the rebels, they have

been rejected, and utterly discomfited, yet nevertheless remained dutiful subjects, although they see that such as continue notorious malefactors, are in far more safety than they, who depend upon your majesty's defence.

For it is well to be proved, that in one of your majesty's civil shires, there lived an Irishman, peaceably and quietly, as a good subject, many years together, whereby he grew into great wealth, which his landlord thirsting after, and desirous to remove him from his land, entered into practice with the sheriff of the shire, to dispatch this simple man, and divide his goods between them. They sent one of his own servants for him, and he coming with his servant, they presently took his man, who was their messenger, and hanged him, and keeping the master prisoner, went immediately to his dwelling, and shared his substance (which was of great value) between them, turning his wife and many children to begging; after they had kept him fast for a season with the sheriff, they carried him to the castle of Dublin, where he lay by the space of two or three terms, and having no matter whatever objected against him, whereupon to be tried by law, they by their credit and countenance, being both English gentlemen, and he who was the landlord, the chiefest man in the shire, informed the lord deputy so hardly of him, as that without indictment or trial they executed him, to the great scandal of your majesty's state there, and impeachment of your laws. For if this man had been such an offender as they urged, why was he not tried by ordinary course of law? whereby good example of justice might have been shewed, and your highness benefited by his wealth, which they shared? But to cut him off by martial law, who was a good householder, inhabiting a civil country, always liable to law, and last imprisoned in Dublin (where all the laws of that land have their head,) was in my conceit rather rigour than justice; for as martial law is very necessary, and in my opinion ought to be granted to all governours of remote and savage places, where your majesty's laws are not received, with all other authority and power severely and sharply to cut off or punish offenders, according to the quality of their offence, until such time as the people shall become civil, and embrace the law and peaceable living (for till then they are not to be governed without the like measure of justice) so to use the same, where the people are civil and obedient to their laws, is very indirect justice, administered to your majesty's poor subjects there, who, if they have once been offenders, live they never so honestly afterwards, if they grow to any wealth, are sure by one indirect means or other to be cut off.

When there have been means made to an aged gentleman (never traitor against your majesty, neither he nor any of his ancestors, and dwelling in one of the remotest parts of your king-



dom) to come into your state, and that the hard courses used to others, made him demand security for his coming in, which hath been sent unto him by great oaths and protestations delivered by the messenger, whereof he hath accepted, and thereupon come in; yet, notwithstanding all these promised safeties, this aged gentleman hath been detained prisoner for six years, and so yet remaineth. And his imprisonment is the only colour to satisfy your majesty for a wonderful great charge, which your majesty and your subjects were then put unto; but his detaining, contrary to promise, hath bred great fear in all or most of his sort (in those parts,) of crediting what your state there shall promise.

When upon the death of a great lord of a country, there hath been another nominated, chosen, and created, he hath been entertained with fair speeches, taken down into his country, and for the offences of other men, indictments have been framed against him, whereupon he hath been found guilty, and so lost his life; which hath bred such terror in other great lords of the like measure, as maketh them stand upon those terms which they now do. When there hath been a stratagem used for the taking into your majesty's hands a young youth (the Earl of Tyrconnel,) the heir of a great country, by whose taking his whole country would have been held in obedience, the practice whereof was most good and commendable; yet (after the obtaining of him) his manner of usage was most dishonourable and discommendable, and neither allowable before God nor man. My reasons are these; he being young, and being taken by this stratagem, having never offended, was imprisoned with great severity, many irons laid upon him, as if he had been a notable traitor and malefactor, and kept still among those, who were ever notorious traitors against your majesty; having no other council, or advice, or company but their's, what good could come to this young man for his education among such, I humbly refer to your highness.

The taking of him as aforesaid was most commendable, and for the good of that country, so he had been brought up in this manner: presently to have been sent to your majesty to have been instructed in the fear of God, to have known his duty to your majesty, and to have been furnished with all necessary parts for a gentleman: and as your majesty should have found his disposition, so either to have detained him here or sent him home into his country, whose good example (by his virtuous training up) might have done God and your majesty much good service in those parts. I have been the more bold to discover to your majesty the dishonourable managing of your service there, by the indirect cutting off of sundry your majesty's poor subjects, because it pleased your highness (many years since) to impart unto me, how much you abhorred to have your people there dealt withal

by any practice, but only upright justice, by your majesty's laws and forces, which being otherwise handled, I desire to make known to your majesty, and your most honourable council, for redress thereof.

But I fear, that they who have well liked that course, and have been practisers of the same, will inform your majesty, that those people are so bad, as it is no matter of conscience to cut them off any way howsoever, which is (in my opinion) for none but tyrants and beggarly princes to imitate. But your majesty being of so great power to offend the mightiest kings of the world, and to revenge yourself upon them, may with much honour suppress your own vassals, by your highness's laws and forces, wherein you are at charge in those parts for that purpose.

These principal instruments, as the lord deputy, and they who have been his assistants in those dishonest practices, have not only used these bad means against those poor remote and savage people, but have done all their endeavours (so far as in them lay) to discomfort and discredit your majesty's best servitors, living under their commands, because they disliked to execute such unjust practices and devices, and to allow of their covetous, unconscionable and dishonourable gettings.

I am emboldened, most gracious sovereign, to declare thus much, because, not only my poor self (one of the meanest in that plate of service) have been partaker of it, but some of your majesty's chief officers also have tasted the indiscreet bitterness of the two last lord deputies, as namely Sir Robert Gardiner, in his place of justice a most worthy man, and void of all manner of corruption; and Sir Richard Bingham, in his place of government, against whom (even within his own jurisdiction) traitors have been suborned and countenanced by them; and the like in nature, though not in quality, hath been done against myself; and as for Sir Richard, there was never man in his place hath done your majesty like honourable service, without increase of charge. For my own part, I leave the report of my services to such as know it, and have seen it; yet have they not only done me injustice there, but have also used their best friends and credit here, to obscure my good deserts, and to make (as far as in them lieth) me a man to be hated of your majesty, depressing me with all their might and authority there, and crossing me with all their ability and malice here, not because I have slacked or not performed your majesty's service at any time, but for that I have afore time and now, discovered unto your highness their dishonourable dealings and intolerable corruptions.

And I desire not that your majesty should either simply credit me this my plain detecting them, nor them in excusing themselves; but if it please your highness to appoint commissioners

in that realm for the trial, if I prove not directly all that ever I have declared, let me lose your gracious favour for ever.

A great part of that unquietness of O'Donnel's country, came by Sir William Fitz-Williams his placing of one Willis there to be sheriff, who had with him three hundred of the very rascals and scum of that kingdom, which did rob and spoil that people, ravish their wives and daughters, and made havock of all; which bred such a discontentment, as that the whole country was up in arms against them, so as if the Earl of Tyrone had not rescued and delivered him and them out of the country, they had been all put to the sword.

Concerning Tyrone, as your majesty hath bestowed it upon the earl, so for the better furtherance of the aforesaid services, it may please your highness to accept of his own offers, which were, that all Tyrone might be but one country; which granted, he would (upon his own charge) build a gaol and a session house, and receive a sheriff into his country, whereby your laws might be observed there.

And where the earl's adversaries have, in times past, incensed your majesty against him, for the hanging and cutting off one Hugh Gavelock, a notable traitor, and son to Shane O'Neale, informing your majesty, that the said Hugh was your majesty's subject, it shall be well proved, that he was ever a traitor against your majesty, a daily practiser with foreigners (as the Scots and others) for the disturbances of that kingdom, and one who sought by all means to overthrow the earl, who by martial law (which he then had) did cut him off for his offences. For the doing whereof, he did incur your highness's displeasure; and the said martial law, which kept that whole country in awe, was taken from him; the want whereof has made his country people grow insolent against him, and careless of observing any humanity or duty, which hath bred the outrages now in practice, so that, (in my poor opinion) it were requisite to restore the same authority unto him, provided it should not extend to the cutting off of any, but such malefactors, as shall be of his own country, his tenants, and followers; and I dare say, he may every year hang 500 false knaves, and yet reserve a great stock to himself; he cannot hang amiss there, so he hangs somebody.

For the performances of the services in those aforesaid countries, it is not O'Donnel, Maguire, Brian Oge Mac Mahon, nor Brian Oge O'Rourke, nor any of those four, who must be dealt withal, for they are all traitors and villains, and most obstinate against your majesty; but the foundation must be laid upon the Earl of Tyrone, to draw him by any reasonable conditions unto your majesty, that you may have conference with him, and as he is made by your majesty a great man there, so may he be also a



special good member in that commonwealth, to redress and remedy many great disorders, which no doubt he would faithfully do, if he might be trusted ; for what maketh a man honest but trust ?

And whereas some affirm, that he standeth upon a pardon for himself and his followers, I think not so ; for he and they hold themselves in less safety thereby, than they were before, because they have seen pardons serve (in their conceit) rather for traps to catch others in, than for true and just remission and acceptance into the free benefit of subjects, which maketh him fear the like practice towards himself.

For whom, although I have undertaken at my first coming, that he should have performed as much as I then delivered on his behalf to your majesty, how I dare engage my credit so far from him, because it is long since I saw him.

But if it please your majesty to send me unto him, with encouragement and protection immediately from your majesty, that he shall come to your lord deputy there, and to your highness here in safety, to come and go without impediment or stay of his person, I doubt not but to bring him and his son (whom I would wish to be detained, but as himself shall like of) and whatsoever he undertaketh to the lord deputy, coming in after this manner, there is no doubt of his performance : I know his adversaries, who never were such friends as they might have been to the common weal of that kingdom, will be earnest with your majesty against this, and that it is a great dishonour to you to grant it ; but it will be proved, by their testimony, who live there, how greatly it shall advance your majesty's service in this dealing with him, who hath heretofore served faithfully and valiantly, and hath therefore well merited, and shall save the lives of your highness's subjects, and the expence of much of your treasure.

They who will be against this, have those many years suffered notorious traitors, namely, Feagh M'Hugh, and the bastard Geraldines, mightily to dishonour your majesty, in the very view of your state ; and with that base rebel and his adherents they will deal, as it were by way of intreaty, to accept of protections, which is as much dishonour to a prince of your excellency and greatness as may be, so to condition with such beggarly objects, as have neither power nor wealth, and yet are noted here to be great and dangerous men to your state there.

If there go not some speedy contentment to the earl, to stay all this expected fury, which is like to happen, but that there must be present wars made upon him and his adherents, your majesty shall take them in hand at a very unfit time, when they are thoroughly provided to do great mischief, and your majesty not so provided to defend your poor subjects from their sudden force and fury.

Your majesty, since you were queen, never had so great cause to bethink you of the service of that place, as now you have. Your highness shall not get so great honour in cutting off him, and thousands of those bare people that follow him, as you shall to win him, and them to be good and loyal subjects, and to live and serve your highness for good offices. As the case now standeth with the earl, he hath small encouragements to be otherwise than he now is.

For where it was your majesty's pleasure he should have great encouragement given him, by thanks for his last good service against Maguire, it was held from him, and instead of that, they devised all means and policies to aggravate matters against him to your majesty, which is credibly made known unto him; and more, that upon what security soever he shall come in, your majesty's pleasure is to have him detained. How he hath these advertisements from hence, I know not; but your majesty is, or shall be informed, that he and his lady are Papists, and foster seminaries, &c.

True it is, he is affected that way, but less hurtfully and dangerously than some of the greatest in the English pale; for when he is with the state, he will accompany the lord deputy to the church and home again, and will stay and hear service and sermon; they, as soon as they have brought the lord deputy to the church door, depart, as if they were wild cats, and are obstinate; but he, (in my conscience) with good conference, would be reformed; for he hath only one little cub of an English priest, by whom he is seduced, for want of his friends access unto him, who might otherwise uphold him.

There hath been an old dunsical demand in taking pledges of such, as are held dangerous men to your majesty's state there. I make bold to give that term, because there is no one, who hath known your service of Ireland longest, who can set down and prove, that ever Irishman was held in obedience by his pledge; if any can let me lose my credit for ever. I am able to set down of my own knowledge, almost by twenty years experience, in which time I have seen many pledges taken for the Irishry, for retaining them in obedience, the father for the son, the son for the father, the brother for the brother, and many other of the like nature; when they have taken their times, nevertheless, without any regard of pledge, to play the traitors against your majesty at their pleasure. For when they neither fear God, nor be careful of their duty towards your majesty, nor fear your force to reform them, your majesty may be assured, it is not their pledges, that can hold them in obedience. Your majesty, therefore, may (in my opinion) do well to let no such demand be made of them, but when they shall give cause of offence, let them be thoroughly fol-

lowed with your forces, and plagued in such sort, as may make them afraid to offend you. For the less your majesty shall esteem them, the more obedient you shall have them ; and by this course your majesty shall save a great deal of charge for the diet of such as they put in for pledge.

And when there was credible report made, that the Earl of Tyrone came in to the lord deputy, without pardon or protection ; I assure myself, your majesty shall find he came in upon the credit of your state, although in policy he might be willed to give out otherwise, and no doubt, but such as have often mistaken his actions, and intents, would make an open demand of him, how ? And he perhaps answer them, without protection ; and upon this his answer they might be very importunate with the lord and the council, that he might be detained for great matters of treason, wherewith they had to charge him, which demand of theirs being refused, it is not unlike but they would either write to your majesty, or to their friends here, to inform your majesty how provident they were to have him safe kept, and yet their cares and offers were neglected.

Let those devices of theirs take effect, or otherwise, to have him cut off, your majesty's whole kingdom there would moan it most pitifully, for there was never man bred in those parts, who hath done your majesty greater service than he, with often loss of his blood upon notable enemies of your majesty's ; yea, more often than all the other nobles of Ireland. And what quietness your majesty had these many years past in the northern parts of that kingdom, its neither your forces there placed, (which have been but small) nor their great service, who commanded them, but only the honest disposition and carriage of the earl hath made them obedient in those parts to your majesty. And what pity it is, that a man of his worth and worthiness shall be thus dealt withal by his adversaries, (who are men who have had great places of command) and neither they, nor their friends for them, are able to set down, they ever did your majesty one good day's service, I humbly leave to your majesty.

If he were so bad, as they would fain enforce, (as many as know him and the strength of his country, will witness thus much with me) he might very easily cut off many of your majesty's forces, which are laid in garrisons in small troops, in divers parts bordering upon this country ; yea, and over-run all your English pale, to the utter ruin thereof ; yea, and camp as long as should please him, even under the walls of Dublin, for any strength your majesty yet hath in that kingdom to remove him.

These things being considered, and how unwilling he is (upon my knowledge) to be otherwise towards your majesty than he ought, let him (if it may please your highness) be somewhat



hearkened unto, and recovered (if it may be) to come in unto your majesty to impart his own griefs, which no doubt he will do, if he will like his security. And then, I am persuaded, he will simply acknowledge to your majesty, how far he hath offended you; and besides (notwithstanding his protection) he will, if it so stand with your majesty's pleasure, offer himself to the marshal (who hath been the chiefest instrument against him) to prove with his sword, that he hath most wrongfully accused him. And because it is no conquest for him to overthrow a man ever held in the world to be of most cowardly behaviour, he will, in defence of his innocency, allow his adversary to come armed against him naked, to encourage him rather to accept of his challenge.

I am bold to say thus much for the earl, because I know his valour, and am persuaded he will perform it; and what I have spoken of him, over and above this, these reasons have led me to it.

Being often his bedfellow, he hath divers times bemoaned himself, with tears in his eyes, saying, if he knew any way in the world to behave himself (otherwise than he hath done) to procure your majesty's assured good opinion of him, he would not spare, (if it pleased you to command him) to offer himself to serve your highness in any part of the world against your enemies, though he were sure to lose his life.

And as he hath in private thus bemoaned himself unto me, so are there many eye witnesses here in your highness's court, who have seen him do no less openly; which tears have neither proceeded from dissimulation, nor of childish disposition, (for all who know him will acquit him thereof) but of mere zeal unto your highness, and grief and fear to lose your favour, whom he desireth with life, and all he hath, most dutifully and loyally to serve.

Whereas I have taken upon me to nominate gentlemen as fittest to be employed in the above mentioned services in those remote places, I know there will be great exceptions against them, because they are thought to be too near friends to the earl. But I will prove, that none can ever do your majesty such good service there, as they who have been always trained up in those parts in service, and are best acquainted with the earl and the other lords of the countries. And I am of opinion, if it were demanded of the earl and the rest, they had rather have strangers placed in those parts, than those gentlemen of their acquaintance; because these, in any outrages in these countries, dare trust the earl with themselves and their small troops, to be aided by him, whereof they should not fail; when strangers would be loth and fear so to do; for their trust will procure the earl and his followers, to undertake and perform with them, whatsoever they shall require for your majesty's service.

And what is it to your majesty, to lay upon the earl the trust and credit of settling your majesty's forces in those parts, and to give him your majesty's free protection to come in, without fear, from time to time, to answer to any thing that shall be objected against him, and to retire home again? And if it shall at any time happen, that he shall so offend, as to deserve punishment, then your majesty is to prepare your princely forces, and make royal war upon him, letting him sharply taste what it is to offend so gracious and great a prince.

And likewise the rest of the lords of those countries, are (upon the receiving in of your majesty's garrisons, and paying the duties and compositions before specified) to have the like measure offered them.

I am the bolder, most gracious sovereign, to set down this my opinion for managing those remote places, and preventing these present expected troubles; because I have been an eye witness of a needless and chargeable war held against one of the lords of the north, namely, Surlebooy, a Scot, which war ended not by your majesty's forces, but by the loss of that rebel's chief instrument his son Alexander; yet were the said traitors intreated to accept of their pardon, and had more bestowed upon them for playing the traitors, than they demanded before. And my fear is (if this expected fury shall follow to be wars) it will fall out to the like or a worse issue; for he, who doth now oppose himself against the earl, was the chief commander then, and did most dishonourably perform it, as shall be apparently proved, when it shall please your majesty to appoint.

I have heard, many think much, that the earl performed not his promise with the new lord deputy, but they little consider what slender encouragement he had given him at his coming in to do it. If he found, as like he did, in what great peril he was to be detained, as, notwithstanding the assurance whereupon he came in, if his adversaries' credit would have place, he had been restrained. There was no likelihood of his performance of any thing he then undertook, because he saw himself in so great peril; neither is it like, he will hereafter hazard the like. But, if his promise be expected to be performed, then, I think, he desireth good assurance, first, of his own safety, whereupon there may be hope he will effect all promises, good offices, and services, for the good of that poor kingdom, and till then there is nothing to be expected from him but doubt, and preparation to defend himself, and offend greatly.

When your majesty's garrison-soldiers were first planted in the county of Monaghan, there was great service offered to Sir William Fitzwilliam by Sir Henry Duke, for his sitting down at the abbey of Cloonis (whereof he is farmer) with his own company of

light foot, and fifty of your highness' garrison-soldiers, and to have discharged your majesty's of all manner of victualling charge, only to have been monthly fully paid their entertainment; and at that time there were at the same abby good and defensible buildings to succour your majesty's garrison, which are defaced and pulled down by the traitors, for fear they should serve for that purpose. If this offer had been accepted, it had greatly furthered your majesty's service now, and peradventure had prevented, or at least hindered the troubles now expected, because it is so near upon Maguire's country, and the stay of his passage to the English pale.

Notwithstanding it much imported, that this service should have been hearkened unto, yet Sir William Fitzwilliam's malice at that time was so extreme against Sir Henry Duke, who no doubt would have performed it as effectually, as he offered it, he utterly rejected it; even as he did the like and many greater services, offered by other your majesty's good servitors there.

His greedy desire at that time in respect of his own gain, made him careless of these offers, and of those good servitors, who would freely offer themselves; he esteemed best of the baser sort, as of one Willis, and such as he was, whom he made captains and officers in the Irish countries, who with their great troops of base rascals behaved themselves so disorderly, as made the whole country to rise in an uproar and to drive them out, which advantage given by those bad and lewd fellows to the ill-disposed Irishry, hath emboldened them ever since to stand in no fear or subjection of your highness' state, or forces there. These, and many the like services, as bad, or worse, did Sir William Fitzwilliam whilst he had authority in that place.

Although many needless journies were made by Sir William Fitzwilliam, which were both chargeable to your majesty, and troublesome to your poor subjects, yet was there one into the province of Conaught, which was very necessary, and grounded upon probable reason, determined for the cutting off and utter banishing of the traitor O'Rourke, and all his confederates; which service could not be performed without the assistance of the Earl of Tyrone, who was sent unto before the journey was undertaken. The messenger was one belonging to your highness' council there, a friend of Sir William Fitzwilliam's, and one well affected by the earl, who declared to him the cause of his coming down, to be for preparation against O'Rourke, and what the lord deputy's demand was, that the earl should perform therein. The earl most honourably (as he had often times before) undertook to perform as much as the lord deputy then required, returning the said messenger very well satisfied; for he sent the lord deputy word, he would be ready to attend the service with one thousand



men at the place appointed, and more he would have brought, if he had more time, or sooner warning. The place to him assigned was on the border of Tyrconnel, on that side of Laugharne towards Conaught, there to stop the passage, that O'Rourke with his companies and creatures should not that way escape into those parts, which he well liked of and promised so to do, adding further, (if it pleased the lord deputy to command him) he would break a ferry with his forces into O'Rourke's country, and either drive him out, or deprive him of life, and prey his whole country, and do great service upon all O'Rourke's adherents. This answer of the earl's seemed to satisfy the lord deputy very well, who prepared your majesty's forces forthwith, and sent word to the earl to be in readiness upon six days warning.

The lord deputy took with him all your highness' garrison, the raising out of the pale as many as he thought fit, and went onward his journey, giving out, (because the rebels should not suspect) that it was only to see sessions and assizes duly kept in Conaught, and sat in divers places accordingly, insomuch as at length he came to Sligo, which joins upon O'Rourke's country, where he abode four or five days, with all his forces, being sufficient to execute upon O'Rourke, and the other traitors, as much as he had before determined; the earl all this while expecting when he should be called to that pretended service, kept all his forces ready together for that purpose, which was no small charge for him. But as it fell out afterwards, Sir William (as it seemed) had no such intention; for upon a sudden he departed from Sligo, journeying quite cross the whole province of Limerick, leaving O'Rourke's country at his back, doing no service, but charging the poor country (whereof as then it had little need) imposing the performance, of all this expected stratagem of Sir Richard Bingham, with some of the garrison to assist him, who most honourably and painfully prosecuted the said proud traitor upon his feet, to the great endangering of his life by the disease of that country, which caught him in the pursuit of that traitor, whom he then drove out of his country, by which means he was afterwards sent to have his deserts here in England. Which exploit (if it had been performed as it was plotted by Sir William Fitzwilliam) O'Rourke had perished there, and all those traitors which are now assistants to his son, had then been cut off.

It may please your majesty likewise to be advertised, that divers persons have been, for their offences, pardoned by your majesty, and thereby emboldened to frequent all places without fear, having been apprehended and committed straitway to prison, without any cause given (since their pardoning) whereof law might take hold, they have offered very sufficient bail, which hath been refused, and they detained, because they in times past, were

bad, (for which they were pardoned) or for fear they should be bad in time to come. And being thus kept severely in prison many years, they have at length made friends there, and by great sums of money here, purchased their pardon from thence, whereby they have been enlarged. Now, when they obtain their liberty by these money means, and not by the justice, which your majesty's laws allow them, they think themselves very hardly used: and others thereby become doubtful and afraid to trust to their pardons; supposing, if they want such friends and such means, they shall be either indiscriminately cut off, or else for ever kept in prison upon suggestion or surmize. But if they might perceive, that it is not your majesty's pleasure to have them thus handled and that none should lie in prison without receiving trial by your highness's laws, if their cause so required, or else upon good sureties to go at liberty, by either of which means they may enjoy the benefit of your gracious laws, even as your good subjects, which never offended, no doubt it would free them from great fear and suspicion and make them more dutiful than ever they were.

There is one prisoner in the castle of Dublin; an aged and impotent gentleman, of whom (if it be to your highness's good pleasure) I desire your majesty shall take notice, his name is Sir Owen Mac Toole: one who was never a traytor against your majesty, nor never in any traitorous action: but so good a subject and so faithful a servitor as (for his deserts) he had a pension from your majesty, whereof Sir John Perrot bereft him. This gentleman was sent for by promise and assurance from the state, that he should not be abridged of his liberty; contrary whereunto he was committed unto prison, where he hath remained these eight years, for whose enlargement all bail hath been refused. Yet is the gentleman of so great years, as he is not able to go, and scarcely able to ride: for which respects and for the state's promise (methinks) he ought to find favour, moreover he is pledge for no man: if he were, pledges profit nothing, as before I have rehearsed. He is father in law to the Earl of Tyrone: and if the earl recovers your majesty's favour, how highly your majesty shall honour yourself by bestowing this old gentleman's liberty upon the earl, and how much your majesty shall provoke the earl to acknowledge your highness's favour therein, your majesty may easily judge, and they who know the state of that kingdom can inform. But if the earl be not so happy to obtain such grace at your majesty's hands, yet it may please your majesty graciously to regard the poor aged gentleman, that upon good sureties he may have his liberty, for which I know there would be five hundred pounds given: though he can by no means steed them in any bad practice against your majesty's state there, neither in body nor council,

neither can his imprisonment stay any of his friends from doing evil, if they be badly disposed : if therefore your highness will be pleased to release him of your own princely motion, he putting in sufficient sureties within the English pale, to be ever ready within twenty days to answer to whatsoever may be objected, you shall bind him (as his bounden duty) always to pray for your highness, and mightily encrease the affection of your majesty's people.

For the due reformation of all the disorders in that poor realm of Ireland, and the execution of what worthy action soever shall be by your majesty, and your honourable council here determined, and for recovering the honour of that state, which former governors there have lost ; your majesty, in judgment, hath made most excellent choice of the now lord deputy, a man accompanied with all necessary parts both in body and mind, as I doubt not but his service shall hereafter give good testimony, although he have received the sword in a far more troublesome and dangerous time, than any of his late predecessors ever did. For neither the last Desmond's wars, nor those of Connor's and the Moor's, being both put together, are comparable to that, which is now expected, if it prove, wars ; which I desire (if it be God's will and your majesty's good pleasure) may be otherwise, not for my private affection for any in the north, but for the public good which I wish to that poor kingdom.

For the benefit whereof, and for the performance of all such honourable services, as are now expedient to be done, and all the rest before in this declaration mentioned, its your majesty, who must not only direct him, but also thoroughly enable his lordship that he may give better encouragement to your majesty's soldiers, to take pains in your highness's service, than they have had, or yet have ; because they daily see, that he who never served your majesty in those services, shall come to far better preferment in that place, than the best commander or serving servitor there. Besides you cannot get that done, which they do, who painfully, and faithfully serve.

What encouragement then can a man have to offer himself in the wars of that country, who shall neither get honour, reward, nor payment for his labour ? I speak by experience of myself, who (upon my credit) have not had ten crowns imprest of my own private pay, those ten years, to furnish me towards your majesty's service, when I was called upon, and yet I have made one at all times.

When such hard measure then is offered unto captains, I humbly refer to your majesty, what encouragement they can have to go to the field. Although without money or any thing else, they will do their best endeavour, with their substance, and them-



selves, to do your highness service ; because I know (and so do all the rest) that its not your majesty's pleasure to have them so discouraged, but the fault is in them, who have been thither sent as deputies, who have preferred their own gain before your highness's honour and service, or the just reward of such as have most truly and painfully served, and for that would please such cowardly captains, as were their instruments to bring them in cows, to convert into angels, to cram their greedy purses ; whom I have a better will particularly to name, than thus generally to write of, if I were persuaded, your highness would thereupon discard them : and I know they would not challenge me, because I do them no wrong.

To encourage, therefore, your majesty's soldiers, and to furnish the lord deputy against all accidents that may happen, if it may please your majesty, that all the treasure, which is sent over into that realm at sundry times, may be entirely sent at one time, with commandment, that your majesty's whole garrison may be fully paid every month, your majesty should be most honourably served, and the soldiers well contented, and the subjects not occasioned to exclaim for want of payment for the soldier's diet, when both captains and soldiers should have in their purses to satisfy that, and to furnish themselves with all other necessaries.

For notwithstanding your highness's garrison hath been so slenderly paid these many years, your majesty hath not saved any thing thereby, but it hath enriched a sort of base clerks, and beggarly merchants, who will not credit a captain now for a groat upon his bill ; but all the commodity goeth to the lord deputy, the clerks, and the merchant ; so as the captain, to furnish his company, can get no money unless he will give 400 for 200, or 200 for 100, and after the like rate ; and in this prowling manner your soldiers are paid.

Forasmuch as your majesty doth pay all in the end, you may (if it be your highness's pleasure) as well benefit your captains, and soldiers, as other men's clerks, by sending an overplus of treasure to the lord deputy, to pay the old debt due only to captains and soldiers, which few thousands will discharge ; except it be to one man, unto whom your majesty oweth five or six thousand pounds, which (if it be your highness's pleasure) may with safe conscience, be detained in your hands, because he hath so ill deserved, through the dishonouring your majesty in the place wherein he serveth.

And now, (most gracious sovereign) for that (as I have heard) it hath been credibly reported to your majesty, that the last Desmond's wars did cost but 40,000 pounds, thereby the rather to induce your highness to make wars upon the north, I have thought it my duty (under your majesty's protection) to set down the truth

thereof, whereby it may the more easily be judged what the charge of these expected troubles may stand your highness in, by comparing the said Desmond's wars and these together.

The charge of those wars to your majesty was high, notwithstanding the great supplies then had of your subjects, and the great succour and assistance of sundry castles and good towns, which held firm and faithful to your majesty to receive and aid your soldiers upon all extremes, which towns and castles stood in most commodious places, not only to annoy, but utterly, in a manner, to overthrow the traitor, and all his co-partners. And where it cost your majesty then one pound, it cost your subjects three, during all the time of those wars, which charge of your subjects I can well make out; for the chief lord of one small village, who had but eight pounds yearly rent for the same village, paid for one year's cost to your highness's soldiers thirty-eight pounds sterling, whereof I was also an eye-witness. These wars, I say, did stand your majesty in fourscore thousand pounds at the least, for the monthly charge was seven thousand pounds, besides the victualling by sea. And yet after all this, your majesty afforded pardon to the basest rebel, who then took arms against you, who yet liveth in view of your state.

The cause of those Desmond's wars, was even like to this in the north, through the great mistaking of the Desmond's adversaries; and that it cost your majesty no less than I do here set down, Sir Henry Wallop can well testify.

Moreover, there are no helps to be hoped for in the north, either of castles or towns, within to garrison, or once lodge your majesty's soldiers, for the following and suppressing of those traitors; for those parts are merely void of such refuge. Again, all the friends to your highness in those countries are but two, O'Hanlon and Maginnis, and they uncertain, as your majesty may thus judge; for O'Hanlon is married to the earl of Tyrone's sister, and merely enriched by the earl; Maginnis, his eldest son, is to marry the earl's daughter. And this affinity, in the manner of the Irish, is always to the party they see strongest; and when your majesty (as there is no doubt) shall prevail, they will then seek favour, and make offer of much service, but seldom or never perform any, whereof myself have been too often a witness. These things considered, it may please your majesty, and honourable council, to be rightly and thoroughly advertised, before there be wars made in the north parts, whatsoever by sinister informations may be suggested to the contrary.

For it is not the north only your majesty shall now have to deal withal, but your highness's whole province of Conaught shall be in great peril of losing, except Sir Richard Bingham be more strongly enabled or assisted than he now is, trusting to only one

band of 100 foot and fifty horse, wherewith I confess he hath done great service. Knockfergus and the Clanboys, which are now garrisoned with only 100 foot and 25 horse, (who have done your majesty no service by reason of such bad commanders, as have been appointed over them,) cannot but be lost without a very great garrison, and exceeding great charge, so that your highness's realm of Ireland being now (as it were) divided into four parts, viz. Leinster, Munster, Conaught, and Ulster, will be in very great danger to be half lost; for Ulster is the earl's already, and in Conaught there are divers, who have been traitors not long since (and yet scarce good subjects,) who watch but such an opportunity. And in Leinster there are many, who now stir not, who will then rise in arms, namely, the Birns, the Tools, the Moors, the Connors, and the Cavenaughes, and many other false traitors as those, who (if they once perceive troubles to increase in the north) will seek to molest and offend the English pale, as they have done in times past.

And one special matter more is to be thought upon, where your majesty in all the wars of Shane O'Neale, had Tyrconnel faithful and ready to do your highness service, and to assist your soldiers, giving the traitors many overthrows (being then an utter enemy to all the Neales;) now it is not so, for O'Donnel is married to the earl of Tyrone's daughter, and is thereby so linked to him, that no place of succour is left to your majesty's forces in all the north; for Sir John O'Dogherty (who was well affected to your majesty's service) is now in hold under O'Donnel, so as no aid is to be expected from him. This poor gentleman hath been hardly used on both sides; first, by Sir William Fitzwilliam, who imprisoned him, in hope to have had of him some Spanish gold; and now by O'Donnel, because he shall not in these troubles annoy him.

To write of all other particulars belonging to the north, would be over tedious. To conclude therefore (with your majesty's pardon) there are but two ways, either to accept of their own offers of submission and contribution, for defraying of the charge, in this discourse especially before mentioned, and so to place your majesty's garrisons in their countries, thereby to hold them in continual obedience to your highness's profit, or else to make royal war upon them, and so utterly to overthrow and root them up, through all the whole north of that kingdom, and plant others in their room or places. I may in no wise omit humbly to acquaint your majesty, what great hindrance unto your present service the stay of Sir Robert Gardiner his coming over is like to be, because that he can best truly report to your highness the state of Ireland, who (as he was specially chosen by your majesty to be a chief instrument for the good of that poor kingdom, where he ever did,



and doth minister such upright justice, as is void of bribery, affection, intreaty of friends, or fear of authority to over-rule him to do any thing unfit for a man of his place) can very hardly be spared from thence ; yet, the necessity of this time importeth, it were (under pardon) most meet he were sent for with all speed ; for that (as he can) so well, without fear of any, inform your majesty truly how the state of that your kingdom now standeth, and shew good means how to stay this expected present fury, that is like to happen, to the utter ruin and cutting off many of your majesty's subjects, and the exceeding expence of your highness's treasure. There will be (no doubt) many reasons alleged to your majesty to stay him there, but I humbly beseech your highness not to hearken to them, for the authors of these troubles are afraid of his coming thither. But his instant repair over will more avail him than his stay there, although it is well known he doth (as far as his authority extendeth) afford the people justice, without begging it or buying it, which hath been too often bought and sold there. And your majesty may at pleasure return him hither again, when he hath done exceeding good service there : although I fear he will be loath (if either his own credit or friends may prevail) to go back thither any more, because he seeth he is not able to do your majesty such good service, as he would and might, if he were more strongly assisted ; moreover good deserts there, procure scarce good opinion, or friends here.

What I mean to say thus much, when it is not to be amended, nay what pity it is, that so gracious a prince, as is your majesty, cannot help it. For these many years past your poor subjects have been crying out for justice, and could never get it ; besides it's grown to such gain by corruption, that unless your majesty vouchsafe to take upon yourself, or make special choice of some of your honourable council here to look into it, it will not be holden ; for if it be referred (as it hath been) there will be such shuffling, and so much time spent, as to save the credit of some one, that thousands of your majesty's good subjects shall perish the while. And the rather because advice is chiefly required of him, who is causer of all these troubles ; and that your majesty may the better judge what good can follow by his directions, let him set down what service he did you, when he had the whole authority in his own hands, whereby your highness may discern the rest. I know (and thereon dare pawn my life) he cannot prove any one honourable or profitable service he did your majesty therein, at the time of his government. Opinion is likewise required of some other counsellors now here, who can say as little of those northern parts, as he who was never there.

This being most true, let not (I humbly beseech your majesty) your poor realm of Ireland be trusting to the advice of such

blind advisers; but vouchsafe your highness to be advised by those, who know your service there, by their own experience, and eye-witness of that, whereof they shall yield their opinion; and no one (of a counsellor) can do it better than Sir Robert Gardiner, because his circuit is northward, whereby he doth hear the griefs and discontentments of those people.

Moreover, I must beseech your majesty to be no longer abused by lip-labour, and paper and ink; which have these many years, gone for current payment, instead of good service, and in show of discovering great and weighty causes, when in truth they seldom tend to any such purpose; but seeing your majesty doth pay them so well, it may please you to require better service at their hands, whom your highness doth there put in trust.

If I have in this my plain and simple discourses offended your majesty any way, I most humbly ask pardon for the same.

As the physician cannot cure the disease of his patient, until he both know and take away the cause thereof, so neither are the calamities of your majesty's kingdom of Ireland to be remedied, until your majesty be both rightly advertised of the same, and put in practice the redress of the great abuses there, which cannot be better done (in my simple skill) than by making an example of some one, who has served your majesty corruptly in that place; and the greater the personage is, the greater the justice, and the more your honour in making a precedent of such a one: for your inferior officers can punish small offenders, but it is in your majesty only to correct the mighty transgressors.

There is no well-advised captain will make offer of service, but he hopeth to perform or lose his life; and especially when he shall not gain thereby; for his soldiers must be paid, or else they will not serve; besides he must keep them, or else he cannot effect the service undertaken, so that his only hope of gain resteth in reputation, reward, and preferment from your majesty, as he shall deserve, and not in polling and pilling the soldiers and your majesty's subjects.

These good services then being accepted, and the abuses reformed, there is no doubt but your majesty's kingdom of Ireland shall quickly flourish in true subjection and due obedience to your majesty's honour and comfort; which I beseech the Almighty to grant and continue.

The considerations (most gracious sovereign) of my own estate, who have engaged myself and my friends very far, for means to live, and do your majesty service, hath many times (in the penning of this discourse) sought to withhold me from discovering to your highness these causes of discontentments of your poor people in that kingdom, and the bad managing of your majesty's affairs there, with the means of quieting them, of advanc-

ing your majesty's service, and advantaging your revenues, assuring myself, that the doing of such an office would neither procure me any friends, nor pay any of my debts: besides, its against my profession (being a soldier) to be a penman, or so earnestly to seek for peace. Yet, nevertheless, when I considered what due honour may be unto God, what true service to your highness, and what good to that poor commonweal, it made me utterly neglect my own fortune, and respect of my private benefit, and emboldened me to discharge my duty to God and your majesty, and disclose my zeal for benefiting that poor realm. And if these my labours shall be rightly conceived of by your majesty, and your most honourable council, I shall think my time happily spent, and enjoy as much as I desire.

And thus, most humbly beseeching pardon for this my bold and rude discourse, and praying on my knees to Almighty God, the director of all princes hearts, that it may please him to move your majesty's mind duly to consider of the premises, and pitifully to regard the present state of that your poor kingdom, and beseech him to bless your highness with all honour, health and princely happiness, long to reign over us, I most humbly conclude with this my petition.

I humbly beseech your majesty, if it be your gracious pleasure to accept the Earl of Tyrone into your highness's protection, that he may safely come in unto your majesty, or to your lord deputy, and hither at your pleasure, that I may be the messenger; because at my coming over he reposed great trust in me, to deliver unto your majesty those things, wherewith he found himself grieved, wherein I doubt not but to do your highness acceptable service, by reason of the poor credit I have with him. But if your majesty be minded to deal otherwise with him (because it hath been reported by those, who are adversaries both to him and to me, that I am a great friend unto him) to show what manner of love mine is towards him, there is none of them, nor any other, who shall do greater service than I will, if it please your majesty to command me, and enable me fit for it; if not, my service and myself, rest at your highness's command to be disposed, as it shall please you, for whom, as is my bounden duty, I will daily pray, &c.

Your Majesty's faithful

And obedient Servant,

THOMAS LEE.



## No. XIII.

THE ANONYMOUS LETTER, UPON WHICH THE REBELLION OF  
TYRONE AND TYRCONNEL WAS FOUNDED.....PAGE 86.

THE import of the letter was as follows, "That he was called  
"into company by some Popish gentlemen, who, after adminis-  
"tering an oath of secrecy, declared their purpose to murder or  
"poison the deputy, to cut off Sir Oliver Lambert, to pick up one  
"by one the rest of the officers of state, to oblige the small dis-  
"persed garrisons by hunger to submit, or to pen them up as  
"sheep to their shambles. That the castle of Dublin, being  
"neither manned nor victualled, they held as their own, that the  
"towns were for them, the country with them, the great ones  
"abroad and in the North prepared to answer the first alarm,  
"that the powerful men in the West are assured by their agents  
"to be ready as soon as the state is in disorder. That the  
"Catholic king had promised, and the Jesuits from the Pope  
"had warranted men and means to second the first stirs, and  
"royally to protect all their actions. That as soon as the state  
"is dissolved, and the king's sword in their hands, they will elect  
"a governor, chancellor and council, dispatch letters to King  
"(James I.) trusting to his unwillingness to embark in such a  
"war, and to his facility to pardon, would grant their own con-  
"ditions of peace and government, with toleration of religion ;  
"that if the king listen not to their motions, then that the many  
"days spent in England in debates and preparations would give  
"them time enough to breathe, fortify and furnish the maritime  
"coasts ; and at leisure call to their aid the Spanish forces from  
"all parts." The writer of the letter declares, "That he inter-  
"posed some doubts on them, which they readily answered, and  
"he pretended to them to consent to further their projects, and  
"that he took the method of this letter, to give notice of their  
"designs, though he refused to betray his friends, in the mean  
"time he would use his best endeavours to hinder any further  
"practices." And he concludes, "That if they did not desist,  
"though he revered the Mass and Catholic religion equal to  
"the devoutest of them, yet he would make the leaders of that  
"dance know, that he preferred his country's good, before their  
"busy and ambitious humours."

## No. XIV.

## BY THE KING.

A PROCLAMATION TOUCHING THE EARLS OF TIRONE AND TIR-  
CONNEL.....PAGE 86.

SEEING it is common and natural in all persons of what condition soever, to speak and judge variably of all new and sudden accidents, and that the flight of the Earls Tirone and Tirconnel with some others of their followers out of the North parts of our realme of Ireland, may happily prove a subject of like discourse; We have thought it not amiss to deliver some such matter in publique; as may better cleare men's judgments concerning the same; not in respect of any worth or value in these men's persons, being base and rude in their originall, but to take away all such inconvenience, as may blemish the reputation of that friendship, which ought to be mutually observed betweene us and other princes. For although it is not unlikely, that the report of their titles and dignities, may draw from princes and states some such courtesies at their first coming abroad, as are incident to men of some extraordinary rancke and qualitie: yet, when wee have taken the best meanes wee can to lay them open in every condition, wee shall then expect from our friends and neighbours all such just and noble proceedings as stand with the rules of honour and friendship, and from our subjects, at home and abroad, that duty and obedience (in their carriage toward them) which they owe to us by inseparable bonds and obligations of nature and loyaltie, whereof wee intend to take streight accompt. For which purpose, wee do hereby first declare, that these persons above-mentioned had not their creations or possessions in regard of any lineall or lawfull decent from ancestors of blood or virtue, but were onely preferred by the late queen our sister of famous memory, and by ourselves, for some reasons of state before others, who for their qualitie and birth (in those provinces where they dwell) might better have challenged the honours, which were conferred upon them. Secondly, wee do profess, that it is both known to us and our counsel here, and to our deputie and state there, and so shall it appear to the world (as cleare as the sunne) evident proofes, that the onely ground and motive of this high contempt in these mens departure, hath been the private knowledge and inward terrour of their owne guiltinesse; whereof, because wee

heare, that they doe seeke to take away the blot and infamie, by devulging that they have withdrawn themselves for matter of religion (a cloake that serves too much in these dayes to cover many evil intentions), adding also thereunto some other vaine pretext of receiving injustice, when their rights and claims have come in question betweene them and us, or any of our subjects and them, wee think it not impertinent to say somewhat thereof.

And therefore, although wee judge it needlesse to seeke for many arguments to confirme whatsoever shall be said of these mens corruption and falshood (whose hainous offences remaine so fresh in memorie, since they declaired themselves so very monsters in nature, as they did not only withdraw themselves from their personall obedience to their soveraigne, but were content to sell over their native country to those, that stood at that time in the highest terms of hostilitie with the two crownes of England and Ireland), yet to make the absurditie and ingratitude of the allegations abovementioned so much the more cleare to all men of equal judgement, wee do hereby professe in the worde of a kinge, that there never was so much as any shadowe of molestation, nor purpose of proceeding in any degree against them for matter concerning religion. Such being their condition and profession, to thinke murder no fault, mariage of no use, nor any man worthy to be esteemed valiant, that did not glorie in rapine and oppression; as we should have thought it an unreasonable thing to trouble them for any different point in religion, before any man could perceive by their conversation, that they made truely conscience of any religion. So we also for the second part of their excuse affirme, that (notwithstanding all that they can claime, must be acknowledged to proceed from meere grace upon their submission, after their great and unnaturall treasons) there hath never come any question concerning their rights or possessions, wherein wee have not bene more inclinable to doe them favour than to any of their competitours, except in those cases wherein wee have plainly discerned, that their onely end was to have made themselves by degrees more able than now they are, to resist all lawfull authoritie (when they should return to their vomit againe), by usurping a power over other good subjects of ours, that dwell among them, better born than they, and utterly disclaiming from any dependencie upon them. Having now delivered thus much concerning these men, estates, and their proceedings, wee will onely end with this conclusion, that they shall not be able to denie, whensoever they should dare to present themselves before the seate of justice, that they (before the running out of our kingdom) not onely entered into combination for stirring sedition and intestine rebellion, but have directed divers instruments, as well priests as others to make offers to forcine states and princes



(if they had bene as ready to receive them,) of their readinesse and resolution to adhere to them, whensoever they should seeke to invade that kingdom. Wherein, amongst other things, this is not to be forgotten, that under the condition of being made free from English government, they resolved also to comprehend the utter extirpation of all those subjects, that are nowe remayning alive within that kingdom, formerly descended from English race. In which practises and propositions, followed and fomented by priests and jesuits (of whose functions in these times the practice and perswasions of subjects to rebell against their soveraignes, is one special and essentiall part and portion) as they have found no such encouragement as they expected, and have boasted of; so wee doe assure ourselves, that when this declaration shall bee seene and duely weighed with all due circumstances, it will be of force sufficient to disperse and to discredit all such untrueths as these contemptible creatures, so full of infidelity and ingratitude, shall disgorge against us, and our just and moderate proceedings, and shall procure unto them no better usage, than they would wish should be offered to any such packe of rebels, borne their subjects, and bound unto them in so many and so great obligations.

Given at our palace of Westminster, the fifteenth day of November, in the fifth year of our reigne of Great Britain, France, and Ireland.

GOD SAVE THE KING.

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## No. XV.

A LETTER FROM SEVERAL OF THE LORDS OF THE PALE TO KING  
JAMES I.....PAGE 90.

MOST RENOWNED AND DREAD SOVERAIGNE,

THE respective care of your highness's honour, with the obligation, that our bounden duty requireth from us, doth not permitt, that we, your nobility of this part of your majesty's realme of Ireland, commonly termed the English Pale, should suppress and be silent in aught, which in the least measure might ymport the honour of your majesty's most royal person, the reputation of your happy government, or the good and quiet of your estates and countryes; and therefore are humbly bold to addresse these our

submissive lynes to your highness, and so much the rather, till that of late years it hath been a duty specially required, the nobility of this kingdom to advertise their princes your majesty's most noble progenitors, of all matters tending to their service, and to the utility of the commonwealth.

Your majesty's pleasure for calling a parliament in this kingdom hath been lately divulged, but the matters therein to be propounded not made known unto us, and to others of the nobility; we being, notwithstanding, of the grand councell of the realme, and may well be conceived to be the councell meant in the statute made in King Henry the Seventh's time, who should join with the governour of this kingdom, in certifying thither, what acts should passe here in parliament; especially, it being hard to exclude those, that in respect of their estates and residence, next to your majesty should most likely understand, what were fittest to be enacted and ordeyned for the good of their prince and country.

Yet are we for our own parts well persuaded they be such, as will comport with the good and relief of your majesty's subjects, and give hopeful expectation of restauration of this lately torn and rended estate, if your majesty have been rightly informed, they having (as it is said) passed the censure of your highness's most rare and matchlesse judgment. But the externe and public course held (whereof men of all sorts and qualities do take notice of the management thereof) hath generally bred so grievous an apprehension, as is not in our power to express, arising from a fearful suspicion, that the project of erecting so many corporations in places, that can scanty passe the rank of the poorest villages, in the poorest country in Christendom, do tend to naught else at this time, but that by the voices of a few selected for the purpose, under the name of burgesses, extreame penal laws should be ymposed upon your subjects here, contrary to the natures, customs, and dispositions of them all in effect, and so the general scope and institution of parliaments frustrated, they being ordeyned for the assurance of the subjects not to be processed with any new edicts or laws, but such as should pass with the general consent and approbation.

Your majesty's subjects here in general do likewise very much distaste and exclaime against the deposing of so many magistrates, in the cities and boroughs of this kingdom, for not swearing th' oath of supremacy in spiritual and ecclesiastical causes, they protesting a firm profession of loyalty, and an acknowledgement of all of kingly jurisdiction and authority in your highness; which course, for that it was so sparingly and myldly carried on in the time of your late sister of famous memory, Queen Elizabeth, and but now in your highness's happy reign first extended unto the remote parts of this country; doth so much the more affright

and disquiet the minds of your well affected subjects here, especially, they conceiving, that by this means, those that are most sufficient and fit to exercise and execute those offices and places are secluded and removed, and they driven to make choice of others conformable in that point, but otherwise very unfit and incapable to undertake the charges, being generally of the meaner sort. Now whether it conduceth to the good of your estate, hereby to suffer the secret, home, evil-affected subjects (of whom we wish there were none) to be transported with hope and expectation of the effects, which a general discontentment might in time produce, and to give scope to the rebels discontented of this nation abroad, to calumniate and cast an aspersion upon the honour and integrity of your highness's government, by displaying in all countries, kingdoms, and estates, and inculcating into the ears of foreign kings and princes the foulness (as they will term it) of such practizes, we humbly leave to your majesty's most sacred, high, and princely consideration. And so, upon the knees of our loyal hearts do humbly pray, that your highness will be graciously pleased not to give way to courses, in the general opinion of your subjects here so hard and exorbitant, as to erect towns and corporations of places consisting of some few poor beggarly cottages, but that your highness will give direction, that there be no more created, till time, or traffick and commerce, do make places in the remote and unsettled countries here fit to be incorporated, and that your majesty will benignly content yourself with the service of understanding men to come as knights of the shire out of the chief countries to the parliament. And to the end, to remove from your subjects hearts those fears and discontents, that your highness further will be graciously pleased to give order, that the proceedings of this parliament may be with the same moderation and indifferency as your most royal predecessors have used in like cases heretofore; wherein moreover, if your highness shall be pleased, out of your gracious clemency to withdraw such laws, as may tend to the forcing of your subjects consciences here in matters concerning religion, you shall settle their minds in a most firm and faithful subjection. The honour, which your majesty, in all your actions and proceedings, hath hitherto so well maintained, the renown of your highness's transcendant understanding in matters of estate and government, and in particular the exemplary president of your majesty's never-to-be forgotten moderation, in not descending to such extraordinary courses for effecting the union of both kingdoms so much desired, doth give us full hope and assurance, that your highness will duely weigh and take in good worth these considerations by us layed down, and most graciously grant this our humble submissive suit, in



which hope we do, and will always remain, your majesty's most humble and dutiful subjects,

Dublin, 25 Nov. 1612.

GORMANSTON,  
CHR. SLANE,  
KILEEM,  
ROB. TRIMBLETTSTOWN,  
PATRICK DUNSANY,  
MA. LOWTH.

## No. XVI.

REMONSTRANCE OF DIVERS LORDS OF THE PALE TO THE KING  
CONCERNING THE IRISH PARLIAMENT IN 1613....PAGE 92.

MAY it please your majesty, such is the excessive grief and anxiety of mind and conscience, which we, the nobility of this your highness's kingdom, whose names are here under-written, do conceive, by the more preposterous courses holden in parliament, as we must be enforced, before we descend further, most humbly with tears to implore your gracious favour, that if the due regard of your majesty's sacred honour, the careful consideration of the good peace and tranquillity of this your realm and country, the tender and feeling respect of our bounden and obliged duty to both, do carry us in aught beyond the limits of a well tempered moderation, your highness will be graciously pleased to pardon our excess herein, so far as *pius dolor et iracundia*, do in themselves deserve. It would far pass the compass of a letter, if we should insist to particularize the manifest, old, precedent disorders, and such, as still do accompany this intended action; only your highness shall understand, that many knights from counties, and citizens, and burgesses from cities and towns, have, contrary to the true election, been returned; and in some places force, and in many others, fraud, deceit, and indirect means have been used for effecting of this so lawless a course of proceeding. Neither can we but make known unto your majesty, that under pretence of erecting towns in places of the new plantation, more corporations have been made since the beginning of last month or little more, than are returned out of the whole kingdom; besides the number whereof (as we conceive it) contrary to your highness's intended purpose, are dispersed throughout all parts of this kingdom; and that in divers places, where there be good

ancient boroughs, and not allowed to send burgesses to the parliament, and yet these new created corporations, for the most part are so miserable and beggarly poor, as their *tuguria* cannot otherwise be holden or denied than as *tituli sine, et figmenta in rebus*; for divers of which (their extreme poverty being not able to defray the charges of burgesses, nor the places themselves to afford any one man fit to present himself in the poorest society of men) and for others, we must confess, that some of great fashion have not sticked to abase themselves to be returned: the lord deputy's servants, attornies and clerks, resident only in the city of Dublin, most of them having never seen or known the place, for which they were returned, and others of contemptible life and carriage. And what outrageous violence was offered yesterday to a grave gentleman, whom men of all sorts that know him, do and will confess to be both learned, and grave, and discreet, free from all touch and imputation, and whom those of the lower house, to whom no exceptions could be taken, had chosen to be their speaker, we leave, for avoiding tediousness to your highness, to their own further declaration. And forasmuch as, most renowned and dread sovereign, we cannot in any due proportion of reason, or justice expect redress in these our distressed calamities, where many of those, who represent the body of our estate, were the chief authors of them, upon the knees of our loyal and submissive hearts we humbly pray, that it would please your majesty to admit some of us to the access of your royal presence; where, if we fail in the least point of these our assertions, and declarations of other evils, which do multiply in this estate, we willingly submit ourselves to any punishment, as deserved, which it shall please your highness to lay and inflict upon us. For we are those, by the effusion of whose ancestor's blood, the foundation of that empire, which we acknowledge your highness, by the laws of God and man to have over this kingdom and people, was first laid, and in many succeeding ages preserved. To us it properly appertaineth, both in the obligation of public duty and private interest, to heed the good thereof, who never laid the foundation of our hopes upon the disturbance of it, garboils and dissensions being the downfall of our estate, as some of us now living can witness, and therefore we cannot, but out of the consideration of our bounden duty and allegiance, make known unto your highness the general discontent, which those strange, unlooked for, and never heard of courses particularly have bred; whereof, if the rebellious and discontented of this nation abroad do take advantage, and procure the evil-affected at home, which are numbers by reason of that already settled, and intended plantation in any hostile fashion to set disorders on foot, and labour some underhand relief from any prince or estate abroad, who peradventure might be inveigled,

and drawn to commiserate their pretended distresses and oppressions ; however, we are assured the prowess and power of your majesty in the end, will bring the authors thereof to ruin and confusion ; yet it may be attended with the effusion of much blood, exhausting of masses of treasure, the exposing of us, and others your highness's well affected subjects, to the hazard of poverty, whereof the memory is very lively and fresh among us, and finally, to the laying open of the whole commonalty to the inundation of all miseries and calamities, which garboils, civil war, and dissensions, do breed and draw with them, in a rent and torn estate. For preventing whereof, we nothing doubt but your majesty will give redress, by the equal balance of your highness's justice, which we beseech the Almighty with your royal person, ever to maintain and preserve.

Your majesty's most faithful subjects,

David Buttevant, Killine, James Dunboyne,

Gormonston, Delvin, Matthew Louth,

Da. Roche Fermoy, Christopher Slane, Thomas Cahyr.

Montgarret, Robert Tymbelston,

May 19, 1613.

## NO. XVII.

THE SPEECH OF JAMES THE FIRST TO THE LORDS OF THE COUNCIL AT WHITEHALL, ON THE 21ST OF SEPTEMBER, 1613, IN THE PRESENCE OF THE IRISH AGENTS....PAGE 92.

MY LORDS,

THESE noblemen and gentlemen of Ireland are called hither this day to hear my conclusion and determination in a cause of great consequence, which hath depended long in trial. Thus far it hath had formality ; for it is a formality, that kings hold in all processes of importance, to proceed slowly, to give large hearing, and to use long debate, before they give their sentence. These gentlemen will not deny that I have lent them my own ear, and have shewed both patience and a desire to understand their cause at full : It resteth now, that we make a good conclusion, after so long debate.

It is a good rule to observe three points, in all weighty businesses ; long and curious debate, grave and mature resolution, and speedy execution. The first is already past : the second is



to be performed this day ; and the last must follow as soon as conveniently may be.

I promised to these noblemen and gentlemen of the recusant party of parliament, justice with favour ; let them see whether I have performed my promise : sure I am, but for performance of that promise, I should not have given such patient hearing, nor made such a curious search into the causes of their complaints, neither should I make such a conclusion as I am now like to make of this business.

In the search (though I doubted not of the honour and justice of the lord deputy's government) yet I dealt not with him as with my servant, not as with one the most unreprouable governor, that ever was in that kingdom (as some of yourselves have acknowledged him to be to myself) but as with a party : but after the commissioners had heard all that could be alleged, I found him indeed a faithful servant by their certificate, which was *Conclusio in Causâ*.

The gentlemen I sent were such as no exception could be taken against them, some were never there before ; some, so long sithence, that *rerum facies fuit mutata*, since they lived in that kingdom.

It rests me now to set down my conclusion ; but before I declare my judgment, I will speak of some things offered by you the recusant half-body, which are called parliament-recusants. I have heard of church-recusants, but not of parliament-recusants ; this difference was never before heard of.

First, the letter you sent unto me the beginning of the parliament was full of pride and arrogance, wanting much of the respects, which subjects owe their sovereign.

Now if I should do you justice, I should take you at your word, lay together your offer in your letters, and the articles, which my attorney laid open unto you, then shall you see your case.

For you made offer, that if you failed to prove any one point of that, which was contained in your complaint, you would renounce my favour in all ; yet have you scarce proved a word true ; but, on the other side, almost every point hath been proved contrary.

Of fourteen returns whereof you complain, but two have been proved false, and in the government nothing hath been proved faulty, except you would have the kingdom of Ireland like the kingdom of Heaven.

But commonly offenders are most bold to make offers of their innocency ; for they (being in a passion) begin in heat, and continue in heat, but when they see themselves in the glass of their own vanity, they find their error. And this I have found in my own experience in Scotland, and since my coming hither.

Now I will divide my speech in two parts, touching the offences done by you, and your complaints against the state and government.

To the first, an unusual favour was offered you by my deputy, for he sent for you, and advised you to consider what laws were fit to be propounded for that commonwealth, and offered to concur with you. Your answer should have been humble thanks on your knees, but you neglected that favour, and answered by your agent in the name of the rest, that you would first be made acquainted with such bills as the deputy and council there had resolved to transmit.

Before the parliament, there was sent to me by a few men a letter, rash and insolent, that nothing should be pursued in parliament, but you should be acquainted with it, and withal threatening me with rebellion in a strange fashion, with similitudes unsavoury and unmannerly, and unfit to be presented to any monarch; and after that, you did nothing but heap complaint upon complaint, till the parliament was sat down.

The parliament being sat, you went on with a greater contempt: there were in the lower house two bodies, and but one head, a greater monster than two heads upon one body. And whereas you should have made an humble and dutiful answer to the commendation, which I made of a speaker, you the recusant-party (being the fewer) when the greater number went out to be numbered, shut the door, and thrust one into the chair as a speaker *manu forti*. After this, the recusants of both houses depart from the parliament. The like was never heard of in France, Spain, or any other kingdom of Christendom.

Then came petitions to the deputy of a body without a head, a headless body: you would be afraid to meet such a body in the streets: a body without a head to speak, nay, half a body; what a monster were this, a very bug-bear! Methinks you, that would have a visible body head of the church over all the earth, and acknowledge a temporal head under Christ, ye may likewise acknowledge my viceroy or deputy of Ireland.

Then did the deputy give you warning to come to the parliament, to pass the bill of Recognition, but that you put it off with tricks and shifts, which thing I will urge no farther; but why should the lords refuse to come? They had no colour of absenting themselves, having nothing to do with the orders or disorders of the lower house; the lords here, and the lower house, are as great strangers in these matters, as the parliament houses of Spain and France; neither had the recusants of the lower house any just cause of defection, since an indifferent committee was offered to them.

This was such an ill example, and such a crime, to refuse to appear at the king's summons, as if you should advise with lawyers upon it, I know not what it may impart: after this, hither you came, and only your appeal to me hath inclined me to mercy, yet I speak not this to encourage your complaints to be brought hither, when the deputy and state may determine them, though this being a matter of parliament, was fit for the king's hearing, and your appeal hath been heard and heard *usq; ad nauseam*.

And whereas it should have wrought humility and thanks, the fruit hath been, that (I will not say in a preposterous, but) in a rebellious manner, you have heaped complaints upon complaints, and petitions upon petitions, not warranted with any truth, to make the more noise, whereas you should have looked back to your own miscarriages.

Then I sent commissioners to examine, as well the by as the main business, which you first presented to be the cause of your appealing to me, but, instead of thanks for that favour, there came yet more new complaints, which, because the council here have already answered, I will not speak of.—Now if you look back to your own miscarriages, and my lenity, you shall find, that your carriage hath been most undutiful and unreasonable, and in the next degree to treason, and that you have nothing to fly to but my grace.

The lower house here in England doth stand upon its privileges as much as any council in Christendom, yet, if such a difference had risen there, they would have gone on with my service notwithstanding, and not have broken up their assembly upon it. You complain of fourteen false returns. Are there not many more complained of in this parliament, yet they do not forsake the house for it? Now, for your complaint's touching parliament matters, I find no more amiss in that parliament, than in the best parliament in the world; escapes and faults of sheriffs there may be, yet not proved; or if it had been proved, no cause to stay the parliament, all might have been set right by an ordinary course or trial, to which I must refer them. But you complain of the new boroughs, therein I would fain feel your pulse, for yet I find not where the shoe wrings. For, first, you question the power of the king, whether he may lawfully make them? And then you question the wisdom of the king and his council; in that you say, that there are too many made. It was never before heard, that any good subjects did dispute the king's power in this point. What is it to you, whether I make many or few boroughs; my council may consider the fitness, if I require it; but what if I had made forty noblemen, and four hundred boroughs, the more the merrier, the fewer the better cheer. But this complaint, as



you made it, was preposterous, for in contending for a committee, before you agreed of a speaker, did put the plough before the horse, so as it went on untowardly like your Irish ploughs ; but because the eye of the master maketh the horse fat, I have used my own eyes in taking a view of those boroughs, and have seen a list of them all. God is my judge, I find the new boroughs, except one or two, to be as good as the old, comparing Irish boroughs new with Irish boroughs old (for I will not speak of the boroughs of other countries ;) and yet, besides the necessity of making them, like to increase and grow better daily ; besides, I find but few erected in each county, and in many counties but one borough only, and those erected in fit places near forts or passages for the safety of the country ; methinks you, that seek the good of the kingdom, should be glad of it.

I have caused London also to erect boroughs there, and when they are thoroughly planted, will be a great security to that part of the kingdom ; therefore you quarrel with that, which may bring peace to the countrey, for the persons, returned out of those boroughs, you complain they have no residence, if you had said they had no interest, it had been somewhat ; but most of them have interest in the kingdom, and *qui habent interesse*, are like to be as careful as you for the weal thereof.

I seek not *emendicata suffragia*, such boroughs as have been made since the summons are wiped away at one word for this time, I have tried that, and done you fair play, but you that are of a contrary religion, must not look to be the only *Law-makers* ; you are but half subjects, should have but half privilege ; you that have an eye to me one way, and to the Pope another way, the Pope is your father in *spiritualibus*, and I in *temporalibus* only, and so have your bodies torn one way, and your souls drawn another ; you that send your children to the seminaries of treason, strive henceforth to become full subjects, that you may have *cor unum* and *viam unam*, and then I shall respect you all alike ; but your Irish priests teach you such grounds of doctrine, as you cannot follow them with a safe conscience, but you must cast off your loyalty to your king.

Touching the grievances whereof you have complained, I am loath to spend breath in them ; if you charge the inferior ministers of the country, all countries are subject to such grievances ; if you charge the deputy and state, *nihil probatur*. Indeed I hear (not from you, but from others) there is one thing grievous to the country ; that notwithstanding the composition established in the province, the governours there do send out their purveyors, who take up their *âchates*, and other provision upon the country : if this had been complained of to the deputy, or to me, it had been

reformed, the deputy himself at Dublin doth not grieve the country with any such burden.

Another thing there is, that grieveth the people, which is that in the country, where there is half peace and half war, the sheriffs and soldiers in their passage do commit many extortions.

For these grievances, I myself will call the deputy unto me, and set down such orders in this time of vacation, as these abuses shall be redressed and clear taken away; and if any such disorder be suffered hereafter, it shall be only be for fault of complaining; and because the meaner sort will perhaps fear to complain, I would have such gentlemen of the country, as are of best credit, to present complaints, which they may do in such manner as the parties who prefer the complaints may not be known.

There is a double cause, why I should be careful of the welfare of that people: first as King of England, by reason of the long possession the crown of England hath had of that land; and also as King of Scotland, for the ancient kings of Scotland are descended of the Kings of Ireland, so as I have an old title as King of Scotland, therefore you shall not doubt to be relieved when you complain, so as you will proceed without clamour. Moreover my care hath been, that no acts should be preferred that should be grievous to the people; and to that end I perused them all except one, that I saw not till of late, that is now out of door, for I protest I have been more careful for the bills to be passed in that parliament, than in the parliament of England.

Lastly, for imputations that may seem to touch the deputy, I have found nothing done by him, but what is fit for an honourable gentleman to do in his place, which he hath discharged as well as any deputy did, and divers of you have confessed so to me, and I find your complaints against him, and the state, to be causeless expostulations.

To conclude, my sentence is, that in the matter in parliament, you have carried yourselves tumultuously and undutifully, and that your proceedings hath been rude, disorderly, and inexcusable, and worthy of severe punishment; which by reason of your submission I do forbear, but not remit, till I see your dutiful carriage in this parliament; where by your obedience to the deputy and state, and your future good behaviour, you may redeem your bypast miscarriage, and then you may deserve not only pardon, but favour and cherishing.

## No. XVIII.

THE JUDGMENT OF DIVERS OF THE ARCHBISHOPS AND BISHOPS OF  
IRELAND CONCERNING TOLERATION OF RELIGION....PAGE 96.

THE religion of the Papists is superstitious and idolatrous, their faith and doctrine erroneous and heretical, their church, in respect of both, apostatical: to give them therefore a toleration, or to consent, that they may freely exercise their religion, and profess their faith and doctrine, is a grievous sin, and that in two respects: for, first, it is to make ourselves accessary not only to their superstitions, idolatries, and heresies, and, in a word, to all the abominations of Popery; but also (which is a consequent of the former) to the perdition of the seduced people, which perish in the deluge of the Catholic apostacy.

Secondly, To grant them a toleration in respect of money to be given, or contribution to be made by them, is to set religion to sale, and with it the souls of the people, whom Christ our Saviour hath redeemed with his most precious blood. And as it is a great sin, so it is also a matter of most dangerous consequence; the consideration whereof we commit to the wise and judicious, beseeching the God of truth to make them who are in authority zealous of God's glory, and the advancement of true religion: zealous, resolute, and courageous against Popery, superstition, and idolatry. Amen.

Ja. Armachanus,  
Mal. Casellen;  
Anth. Medensis,  
Tho. Fern and Leghlin,  
Ro. Dunensis,  
Georg. Derensis,

Richard Cork, &c.  
Andr. Alachdens,  
Tho. Kilmore and Ardagh,  
Theo. Dromore,  
Mic. Waterford and Lismore,  
Fra. Limerick.

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 No. XIX.

ABSTRACT OF THE REPORT AND RETURN OF COMMISSIONERS SENT  
BY THE KING TO IRELAND, TO ENQUIRE INTO THE GRIEVANCES  
AND COMPLAINTS OF THE IRISH, IN 1613....PAGE 101.

UPON our arrival in Dublin, the 11th of September, we caused his majesty's commission and instructions to be inrolled,



and presently directed our letters to the governors of Munster and Connaught, as also to divers lords, archbishops, and bishops, and to several of the sheriffs of counties, and others, concerning the articles of the said instructions, whereby our arrival, and the cause of our employment were made known to the people in most parts of the kingdom.

Yet during the space of one month, at the least, after our landing, no one petition was exhibited to us complaining of any grievances. Nevertheless, afterwards, upon the coming over of the Lord Killeene and Sir Christopher Plunket, two of the late petitioners to his majesty, they exhibited unto us particular instances of oppression and exactions by soldiers, provost-marshals, and some others, specially those that reside nearest the state: out of which particulars, being many, we selected threescore or thereabouts, as meetest to be examined; whereby we might discern, what were the several kinds of the soldiers oppressions towards the people; for proof of which selected articles, divers days were assigned to them to produce their witnesses: at which time some of the captains of horse and foot, provost marshals, and some of their soldiers we warned to appear before us, and thereupon we proceeded in the presence of the Lord Killeene and Sir Christopher Plunkett, and some of the parties grieved, and we proceeded to a summary examination of those disorders, and by these examinations, and by other means, it doth appear unto us, that the soldiers, both horse and foot, have extorted upon his majesty's subjects in manner following: First, in all their journies and thoroughfares, where, by their warrant from the lord deputy, they are commanded to take meat and drink in the country, paying ready money, or giving tickets for the same; the soldiers, nevertheless, for the most part, neither pay money, nor give tickets, as they ought to do; and in cases where the collectors receive tickets for the payment of the country for victualling of soldiers, they, and sometimes persons authorised by the principal gentlemen of the country, do get these tickets into their hands, and obtain payment from his majesty's treasurer, and seldom make distribution thereof to the poorer sort to whom it is due.

The soldiers, where they are cessed, do extort money from the poorer people (besides meat and drink,) for every night's lodging three shillings for a horse-man, and two shillings for a foot-mar, sometimes more and sometimes less; and certain petty sums are also taken for their boys and attendance, besides victuals, and it happeneth sometimes, that the soldiers that take cess, take money, as well for themselves as for other soldiers absent, which the country call black men, because they are not seen; and sometimes soldiers in pay, and others discharged out of pay, and divers vagrants in the name of soldiers, take meat and money of the peo-

ple without warrant or after the date of their warrant is expired, in extortious manner, by two or three or more in company. And in all these cases, when the people have not money to pay them, they take divers times, forcibly, either some of their cattle, or some of their household stuff for pawns in lieu thereof, whereby breach of peace and affrays are occasioned.

Likewise the soldiers, although they be always enjoined by the lord deputy's warrant to pass to and fro the direct way in their journies, yet do they sometimes make a circular and long course in their thoroughfare, whereby they cess and hurt the people, more days than is limited unto them, or is requisite for their journey.

Also the soldiers in their journies, being cessed in small numbers in villages by the collectors, according to the ability of the places, they do sometimes take money in the towns, wherein they are assigned to take their lodgings and victuals, and depart the same and lodge themselves, without warrant, near the same place, whereby the people bear a double charge.

Moreover it appeareth, that some officers of bands have taken monies of townships, to forbear to cess upon them in their journies, and have cessed upon the towns not far distant from thence; and these exactions are committed by soldiers in counties where the composition in lieu of cess is paid, as in other places, wherein is to be observed, that by the tenor of the composition, the counties are to victual the soldiers in their passage at usual rates, a matter reserved for necessity of state.

The soldiers do not only commit these abuses in their thoroughfares, but when they are sent into the country upon other employments.

The provost marshal (whereof there is one at least in every province) has likewise certain men to attend him, who do exact victuals and money in their passage up and down the country from the people, and commit other disorders as soldiers do, which extortions have been committed by the soldiers and the rest of themselves, without any warrant at all, or connivance of any, so far as hath appeared unto us.

And notwithstanding these oppressions in these kinds are very many (as may be seen by their informations to us exhibited from divers parts of the kingdom), yet, for any thing appearing unto us, very few have complained thereof to the lord deputy; who, upon their complaints, hath given order for redress of such grievances, as hath been manifested unto us.

The reasons therefore the people pretend to have forbore to make their complaints, is the fear they have had to be worse used by the soldiers complained of at other times, and that the charges of complaint would far have exceeded their damages and losses,

although they cannot deny but the lord deputy hath given as easy access and as speedy remedy as hath been given by former governors.

The names of some few soldiers, that are offenders in these kinds, and are yet in pay, appear in our examinations, others are dead or discharged, and in many of the complaints against soldiers, their names are not known to the parties, neither have the soldiers or others complained to us for want of pay by these captains, although some of them have been by us required publicly to deliver us their knowledge therein. There be divers complaints against sheriffs in general, namely, that sundry sheriffs have no freehold, or habitation, in the counties for which they serve, as they ought to have by the laws of the kingdom: also that divers of them have no settled estates of land or freehold in other places; and having gathered rents, and other duties for his majesty, they depart without passing their accounts, which appeareth to be true: and the reason thereof is affirmed to be, that in the civilest countries in the English pale, and in other counties within the kingdom, there are found very few Protestants that are freeholders of quality fit to be sheriffs, and that will take the oath of supremacy, as by the laws they ought to do; and by the lord deputy's order, no sheriff is admitted till he enter into sufficient bond for answering his accounts.

It is likewise a grievance complained of, and found true, that many sheriffs, especially those of the meaner sort, do suffer their men, bailiffs, and followers to take victuals of the country, for themselves, without money, and sometimes both money and victuals, and that in gathering in his majesty's rents, and the fines for using the short ploughs, and other impositions, as building of bridges, and such like, they do take of the people, besides the principal duties twelve pence in the pound, and sometimes greater sums, for their private uses, for which the sheriffs give no reason, but the same is taken towards their charges in collecting those duties, in regard of the little benefit which their office otherwise yieldeth, &c.

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## No. XX.

THE SUBSTANCE OF THE REMONSTRANCE OF THE COMMONS, TO  
THE LORD DEPUTY WENTWORTH, in 1695....PAGE 103.

THAT sensibly apprehending the manifold inconveniences, that had befallen the kingdom, through the uncertainty of



estates, occasioned by the embezzling, burning and defacing of records, in times loose and uncertain, troubled with continual war, until the beginning of his late majesty's happy reign; and increased by the negligence or ignorance of sundry persons heretofore employed in passing of patents and estates from the crown; whereby many errors in law crept into these grants, whereof divers indigent persons, with eagle-eyes piercing thereunto, commonly took advantage, to the utter overthrow of many noble and deserving persons, who, for valuable considerations of service to the crown, or for money, or for both, honourably and fairly acquired their estates. That, therefore, finding in themselves a sensible feeling of these and other grievances, they had received unspeakable pleasure from his majesty's princely care and tender affection towards them, expressed in the graces transmitted over by their last agents, and on his royal word, the best of assurance, and his princely signature, which he had been graciously pleased to pass unto them, to cause the said graces to be enacted in the next ensuing parliament; that they could not suffice only to discharge their duty to his majesty, or the trust reposed in them by their country, unless they were careful in these great affairs, to conserve the honour of his majesty's word, in that respect, passed unto them his people, who had heretofore, by their said agents, presented a free gift of one hundred and twenty thousand pounds to his majesty, and one hundred and fifty thousand pounds loan-money or contribution, by them forgiven, and forty thousand pounds in these two last years, contributed by the country, amounting in the total to three hundred and ten thousand pounds, exceeding in proportion their abilities, and the precedents of past ages, &c.

Wherefore, they most humbly prayed, that his lordship would place the statute, 21st Jacobi, entitled An Act for the general Quiet of the Subject against Concealment, in the first Transmission of Laws in England; the said grace being particularly promised by his majesty, approved by both the councils of estate in England and Ireland, and published in all the counties in Ireland at the general assizes, and most expected of all the other graces. And that he would please to certify their universal consent, and much longing desire, to have the said statute of 21st Jacobi, and the rest of the said graces, perpetuated by acts to be passed in that parliament.

## No. XXI.

[PAGE. 107.]

TO THE RIGHT HONOURABLE THE LORD DEPUTY.

*The humble and just Remonstrance of the Knights, Citizens, and  
Burgesses, in Parliament assembled,*

SHEWING,

THAT in all ages past since the happy subjection of this kingdom to the imperial crown of England, it was made and is a principal study and princely care of his majesty and his noble progenitors, Kings and Queens of England and Ireland, to the vast expence of treasure and blood, that their loyal and dutiful people of this land of Ireland, being now for the most part derived from British ancestors, should be governed according to the municipal and fundamental laws of England; that the statute of *Magna Charta*, or the great charter of the liberties of England, and other laudable laws and statutes were in several parliaments here enacted and declared, that by the means thereof, and of the most prudent and benign government of his majesty and his royal progenitors, this kingdom was, untill of late, in its growth to a flourishing estate, whereby the said people were heretofore enabled to answer their humble and natural desires, to comply with his majesty's royal and princely occasions, by their free gift of one hundred and fifty thousand pounds sterling, and likewise by another gift of one hundred and twenty thousand pounds more, during the government of Lord Viscount Faulkland; and after, by the gift of forty thousand pounds, and their free and chearful gift of six intire subsidies, in the tenth year of his majesty's reign; which, to comply with his majesty's then occasions, signified to the then House of Commons, they did allow should amount in the collections unto two hundred and fifty thousand pounds, although (as they confidently believe) if the said subsidies had been levied in a moderate parliamentary way, they would not have amounted to much more than half the said sum, besides the four entire subsidies granted in this present parliament. So it is, may it please your lordship, that by occasion of ensuing and other grievances and innovations, (though to his majesty no considerable profit) this kingdom is reduced to the extream and universal poverty, that the same is now less able to pay subsidies, than it was here-

tofore to satisfie all the before-recited great payments. And his majesty's most faithful people of the same land do conceive great fears, that the said grievances, and consequences thereof, may hereafter be drawn into precedents, to be perpetuated upon their posterity; which, in their great hopes, and strong beliefs they are persuaded, is contrary to his majesty's royal and princely intention towards his said people: some of which said grievances are as followeth:

1st. The general apparent decay of trades, occasioned by the new and illegal raising of the book of rates, and impositions as twelve pence a piece custom for hides bought for four or five shillings, and other heavy impositions upon native and other commodities, exported and imported, by reason whereof and of extreme usage and censure, merchants are beggared, and both disenabled and discouraged to trade, and some of the honourable persons, who gain thereby are often judges and parties; and that it is the conclusion his majesty's profit thereby is not considerably advanced.

2dly. The arbitrary decision of all civil causes and controversies, by paper petitions, before the lord lieutenant and lord deputy, and infinite other judicatories upon reference from them derived, in the nature of all actions determinable at the common law, not limited unto certain time, season, cause, or thing whatsoever; and the consequences of such proceedings, by receiving immoderate and unlawful fees by secretaries, clerks, pursuivants, serjeants at arms, and otherwise, by which kind of proceedings his majesty loseth a considerable part of his revenue, upon original writs and otherwise; and the subject loseth the benefit of his writ of error, bill of reversal, vouchers, and other legal and just advantages, and the ordinary course and courts of justice declined.

3dly. The proceedings in civil causes at council-board, contrary to the law and great charter, not limited to any certain time or season.

4thly. That the subject is, in all the material parts thereof, denied the benefit of princely graces; and more especially of the statute of limitations of 21 Jacobi, granted by his majesty in the fourth year of his reign, upon great advice of the councils of England and Ireland, and for great consideration, and then published in all the courts of Dublin, and in all the counties of this kingdom, in open assizes, whereby all persons do take notice, that, contrary to his majesty's pious intentions, his subjects of this kingdom have not enjoyed the benefit of his majesty's princely promise thereby made.

5thly. The extrajudicial avoiding of letters patents of estates of a very great part of his majesty's subjects under the great seal, (the public faith of the kingdom) by private opinions



delivered at the council-board, without legal evictions of their estates, contrary to law, and without precedent or example of any former age.

6thly. The proclamation for the sole emption and uttering of tobacco, which is bought at very low rates, and uttered at high and excessive rates; by means whereof, thousands of families within this kingdom, and of his majesty's subjects in several islands, and other parts of the West-Indies, (as your petitioners are informed) are destroyed, and the most part of the coin of this kingdom is engrossed into particular hands, insomuch, as the petitioners do conceive, that the profit arising and engrossed thereby doth surmount his majesty's revenue, certain or casual, within this kingdom, and yet his majesty receiveth but very little profit by the same.

7thly. The unusual and unlawful encreasing of monopolies, to the advantages of a few, the disprofit of his majesty, and impoverishment of his people.

8thly. The extreme cruel usage of certain late commissioners, and others the inhabitants of the city and county of London-Derry; by means whereof, the worthy plantation of that country is almost destroyed, and the said inhabitants are reduced to great poverty, and many of them forced to forsake the country; the same being the first and most useful plantation in the large province of Ulster, to the great weakening of the kingdom in this time of danger, the said plantation being the principal strength in those parts.

9thly. The late erection of the court of high commission for causes ecclesiastical, in these necessitous times, the proceedings of the said court in many causes without legal warrant, and yet so supported, as prohibitions have not been obtained, though legally sought for; and the excessive fees exacted by the ministers thereof, and the encroaching of the same upon the jurisdiction of other ecclesiastical courts of this kingdom.

10thly. The exorbitant and barbarous fees and pretended customs exacted by the clergy, against the law, some of which have been formerly represented to your lordship.

11thly. The petitioners do most heartily bemoan, that his majesty's service and profit are much more impaired than advanced by the grievances aforesaid; and the subsidies granted in the last parliament having much increased his majesty's revenue, by the buying of grants and otherwise: and that all his majesty's debts then due in this kingdom, were satisfied out of the said subsidies, and yet his majesty is of late (as the petitioners have been informed in the House of Commons) become indebted in this kingdom in great sums.

And they therefore humbly beseech, that an exact account may be sent to his majesty, how and in what manner his treasure is issued.

12thly. The petitioners do humbly conceive just and great fears at a proclamation published in this kingdom in *anno Domini* 1635, prohibiting men of quality or estates to depart this kingdom into England without the lord deputy's licence, whereby the subjects of this kingdom are hindered and interrupted from free access and address to his sacred majesty and privy council of England, to declare their just grievances, or to obtain remedies for them in sort as their ancestors have done in all ages since the reign of King Henry the Second, and great fees exacted for every of the said licences.

13thly. That of late his majesty's attorney-general hath exhibited informations against many ancient boroughs of this kingdom into his majesty's court of Exchequer, to shew cause by what warrant the said boroughs (who heretofore sent burgesses to the parliament) should send the said burgesses to parliament: and thereupon, for want of an answer, the said privileges of sending burgesses were seised by the said court: which proceedings were altogether *coram non judice*, and contrary to the laws and privileges of the House of Parliament, and (if way should be given thereunto) would tend to the subversion of parliaments, and, by consequence, to the ruin and destruction of the commonwealth.

And the House of Commons hath hitherto in this present parliament been deprived of the advice and council of many profitable and good members, by means thereof.

14thly. That by the powerfulness of some ministers of state in this kingdom, the parliament in its members and actions hath not its natural freedom.

15thly. That the fees taken in all the courts of justice in this kingdom, both ecclesiastical and civil, and by other inferior officers and ministers, are so immoderately high, that it is an unspeakable burthen to all his majesty's subjects of this kingdom, who are not able to subsist, except the same be speedily remedied and reduced to such a moderation as may stand with the condition of this realm.

And lastly, The gentry and merchants, and other his majesty's subjects of the kingdom, are of late, by the grievances and pressures aforesaid, and other the like, brought very near to ruin and destruction: and the farmers of customs, customers, waiters, searchers, clerks of unwarrantable proceedings, pursuivants and gaolers, and sundry others, very much enriched; whereby, and by the slow redress of the petitioner's grievances, his majesty's most faithful and dutiful people of this kingdom do conceive great fears, that their readiness, approved upon all occasions, have not been of late rightly represented to his sacred majesty: for remedy whereof, the said petitioners do humbly and of right beseech your lordship, that the said grievances and

pressures may be speedily redressed : and if your lordship shall not think fit to afford present relief therein, that your lordship might admit a select committee of this house, of persons uninterested in the benefit arising of the aforesaid grievances, to be licensed by your lordship to repair to his sacred majesty in England, for to pursue the same, and to obtain fitting remedy for their aforesaid, and other just grievances and oppressions : and upon all just and honourable occasions they will, without respect of particular interest or profit to be raised thereby, most humbly and readily in parliament extend their utmost endeavours to serve his majesty, and comply with his royal and princely occasions. And shall pray, &c.

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No. XXII.

[PAGE 114.]

TO THE RIGHT HONOURABLE THE JUSTICES AND COUNCIL,  
THE HUMBLE REMONSTRANCE OF THE GENTRY AND COMMONALTY OF THE COUNTY OF CAVAN, OF THEIR GRIEVANCES, COMMON WITH OTHER PARTS OF THIS KINGDOM OF IRELAND.

WHEREAS we, his majesty's loyal subjects of his highness's kingdom of Ireland, have, of long time, groaned under many grievances and pressures, occasioned by the rigorous government of such placed over us, as respected more the advancement of their own private fortunes, than the honour of his majesty, or the welfare of his subjects ; whereof we have heretofore in humble manner declared ourselves to his highness, by our agents, sent from the parliament, the representative body of the kingdom, notwithstanding which, we find ourselves of late threatened with far greater and more grievous vexations, either with captivity of our consciences, or utter expulsion from our native seats, without any just grounds given on our parts, to alter his majesty's goodness, so long continued to us. Of all which, we find great cause of fears in the proceedings of our neighbour nations ; and do see it already attempted by certain petitioners, for the like course to be taken in this kingdom, for the effecting thereof, in a compulsory way ; so as rumours have caused fears of invasion from other parts, to the dissolving of the bond of mutual agreement, which hitherto hath been held inviolable, between the several subjects of this kingdom, and



whereby all his majesty's other dominions have been linked in one. For the preventing therefore of such evils growing upon us in this kingdom, we have, for the preservation of his majesty's honour, and our own liberties, thought fit to take into our hands, for his majesty's use and service, such forts and other places of strength, as coming into the possession of others, might prove disadvantageous, and tend to the utter undoing of the kingdom; and we do hereby declare, that herein we harbour not the least thought of disloyalty towards his majesty, or purpose any hurt to his highness's subjects, in their possessions, goods, or liberty; only we desire, that your lordships will be pleased to make remonstrances to his majesty for us, of all our grievances and just fears, that they may be removed, and such a course settled by the advice of the parliament of Ireland, whereby the liberty of our consciences may be secured unto us, and we eased of other burdens in civil government. As for the mischiefs and inconveniencies, that have already happened, through the disorder of the common sort of people, against the English inhabitants, or others, we with the nobility and gentlemen, and such others of the several counties of this kingdom, are most willing and ready to use our and their best endeavours in causing restitution and satisfaction to be made, as in part we have already done.

An answer hereunto is most humbly desired, with such present expedition as may, by your lordships, be thought most convenient, for avoiding the inconvenience of the barbarousness and incivility of the commonalty, who have committed many outrages, without any order, consenting, or privity of ours. All which we leave to your lordships' wisdom, and shall humbly pray, &c.

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### No. XXIII.

THE PROTESTATION OF THE COMMONS AGAINST THE PREAMBLE IN FAVOUR OF THE EARL OF STRAFFORD....P. 108.

WHEREAS an act for the granting of four entire subsidies to his most excellent majesty, by the temporality of this kingdom was enacted in the first session of this present parliament, in the preamble of which act the ensuing branch or clause was inserted, viz. "And particularly in providing and placing  
"over us so just, wise, vigilant, and profitable a governor, as

“ the Right Honourable Sir Thomas Wentworth, Knight, Earl  
 “ of Strafford, Lord Lieutenant of this your said kingdom of  
 “ Ireland, president of your majesty’s council established in the  
 “ north parts of your said kingdom of England, and one of your  
 “ majesty’s most honourable privy council of the same king-  
 “ dom, who by his great care and travail of body and mind, sin-  
 “ cere and upright administration of justice, without partiality,  
 “ increase of your majesty’s revenue without the least hurt or  
 “ grievance to any your well-disposed and loving subjects, and  
 “ our great comforts and security, by the large and ample bene-  
 “ fits which we have received, and hope to receive by his ma-  
 “ jesty’s commission of grace for remedy of defective titles,  
 “ procured hither by his lordship from your sacred majesty, his  
 “ lordship’s great care and pains in restauration of the church,  
 “ the reinforcement of your army within this kingdom, and or-  
 “ dering the same with such singular and good discipline as that  
 “ it is now become a great comfort, stay and security to this  
 “ your whole kingdom, which before had an army, rather in  
 “ name than in substance, his supports of your majesty’s whole-  
 “ some laws here established, his encouragement and counte-  
 “ nance to your judges, and other good officers, ministers, and  
 “ dispensers of the laws, in the due and sincere administration  
 “ of justice, his necessary and just strictness for the execution  
 “ thereof, his due punishment of the contemners of the same,  
 “ and his care to relieve and redress the poor and oppressed :  
 “ for this your tender care over us, shewed by the deputing and  
 “ supporting of so good a governor, we your faithful subjects,  
 “ acknowledge ourselves more bound, than we can with tongue  
 “ or pen express.” The knights, citizens, and burgesses in par-  
 liament assembled, do hereby declare and protest, that Thomas  
 Earl of Strafford, lord lieutenant general, and general governor  
 of this kingdom, before such time as the said act (being former-  
 ly transmitted into England, and returned from thence) was  
 read or known in parliament, and before him the lord Dillon, of  
 Kilkenny-west, and Christopher Wandsford, Esq. then lords  
 justices of this kingdom, did in several speeches, declare and  
 signify unto both houses of parliament, his majesty’s urgent and  
 great occasions, and the near and approaching danger, that this  
 realm was suddenly to be invaded by the Scots ; whereupon,  
 and before the said act was read or known, as aforesaid, four  
 intire subsidies were freely, chearfully, and unanimously grant-  
 ed in parliament, and thereupon, and not before the said act was  
 read and made known in the House of Commons, and that their  
 natural and fervent zeal and devotion to his majesty’s service,  
 and the fears of the said declared imminent danger, and the in-  
 conveniencies which they suspected might ensue, if they had

then excepted against the said part of the preamble concerning the Earl of Strafford, and expected a new transmission, as a statute of force here in such cases doth require, did occasion and enforce their silence, and not then speaking or protesting against the said part of the preamble which was cautiously and surreptitiously, as to this house, for so much thereof as concerns the said Earl of Strafford only, inserted in the said preamble, and of purpose to prevent and anticipate the just and universal complaints of his majesty's most faithful, dutiful, and loving subjects of this kingdom; and that the said part of the preamble was contrived, penned, and inserted as aforesaid fraudulently, without the privity of the house, either by the said Earl of Strafford himself, or by some other person or persons advisers, procurers, and actors of, and in the manifold and general grievances and oppressions of this his majesty's kingdom, by the direction and privity of the said earl. And the said knights, citizens, burgesses assembled, as aforesaid, do further declare and make this their protestation, that this kingdom, at such time as the said Earl of Strafford first obtained the government thereof, was in a flourishing, wealthy, and happy estate, and that, since the said Earl of Strafford's government, he the said Earl of Strafford, his advisers, counsellors, and ministers, have altered the face of the government of the said kingdom, by the introducing of a new, unlawful, arbitrary, and tyrannical government, by the determination of all or most causes upon paper petitions, and other unjust and unwarrantable proceedings and actions, to the particular profit of himself and his ministers, tending to the great impoverishment and destruction of his majesty's said subjects, in their lands, goods, lives, and just liberties, and to the subversion of the former laudable, mild, and legal government, for many ages past, settled and established in this kingdom by his most excellent majesty, and his royal progenitors and predecessors, kings and queens of England and Ireland, and that the said Earl of Strafford, and his counsellors, advisers, and ministers aforesaid, by, and by occasion of the said innovations and new form of unjust government, have, beyond all measure and moderation, advanced and enriched themselves, by extortions, oppressions, and all sorts of injustice, to the general grief, discontent, and destruction of his majesty's said faithful people of this kingdom. And the said knights, citizens, and burgesses, do further declare and protest, and have a settled, firm, and immoveable faith and belief, that his most excellent majesty, in his pious intention and inclination to his said people did place, constitute, and continue the said Earl of Strafford in the said government, to the intent and purpose, that the said Earl should carry and demean himself a just, upright, and equal governor of the said kingdom, according to the laws and



statutes of force in this kingdom, and in no other sort or manner; and that the said Earl of Strafford, his counsellors, advisers, actors, and ministers aforesaid, did manage the most weighty affairs of this kingdom, during the time of the said earl his said government, directly contrary to his said majesty's pious intentions. And the knights, citizens, and burgesses, do further protest and declare, that as for and concerning so much of the preamble of the said act, as doth concern his most excellent majesty alone, and likewise the body of the said act, for granting of the said subsidies, that they are now as glad and chearful for to have passed and granted the same, as in or by the said act, or in or by their former declarations, they have expressed, and will, unto all honourable and necessary occasions of his majesty, in parliament contribute their best endeavours and assistance.

And the said knights, citizens, and burgesses, do hereby authorize and require their committee, now attending his majesty, for to present unto his majesty this their protestation, and proofs thereof, by particular instances, if the same be required and necessary; and likewise to present unto his majesty their humble request, that an act may pass in this present parliament, for the revoking, vacating, and taking from the records of parliament, the before recited part of the preamble, concerning the said Earl of Strafford and his government, and likewise to become most humble suitors to his most excellent majesty, that neither the said Earl of Strafford, nor any of his said advisers, counsellors, or ministers, as persons, who in all things served their own turns, and deceived his majesty, and who are most hateful and insupportable to his said people, may have any thing to do in counselling, advising, or acting with, or concerning the government of this kingdom, or the affairs thereof; and that the contrivers, advisers, and actors of the said part of the preamble concerning the said Earl of Strafford and his government, the same being surreptitiously, as to this house, inserted, as aforesaid, may be discovered, impeached, and punished for the same, and other their offences and misdemeanors according to the justice and course of parliament.

## No. XXIV.

HIS MAJESTY'S LETTER TOUCHING THE GRACES....P. 109.

CHARLES REX.

RIGHT trusty and well beloved councellors, we greet you well. Whereas humble suit hath been made unto us by the committees of the lords and commons, in parliament assembled in that our kingdom of Ireland, among other particulars, for the obtaining of the benefit of certain instructions and graces, by us promised, in the fourth year of our reign, to our subjects of that kingdom; which they allege they have not hitherto fully enjoyed, according to our gracious intention; and their said suit, for enjoying the said graces, being by us taken into serious consideration, after great deliberation, and the advice of our privy council thereupon heard, we have thought fit, by these our letters, to declare, that all and every of our subjects of that our kingdom shall, from henceforth, enjoy the benefit of the said graces, according to the true intention thereof. And it is our royal will and pleasure, that the same be now settled, as may most conduce to the future security of our said subjects, estates, and the good of that our kingdom. And to the end, that our princely promise passed unto them, in the parts thereof herein expressed, may the more speedily be performed, we thereby will and require you, that forthwith several bills be transmitted from you, our justices and our council there, for securing unto our said subjects in parliament, such particulars, as in these our letters are contained, &c.

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No. XXV.

THE ORDERS OF THE LORDS AND COMMONS OF THE ENGLISH  
PARLIAMENT TO THE LORDS JUSTICES OF IRELAND....PAGE  
118.

THE lords and commons in this present parliament, being advertised of the dangerous conspiracy and rebellion in Ireland, by the treacherous and wicked instigation of Romish priests, for the bloody massacre and destruction of all Protestants living

there, and other his majesty's loyal subjects of English blood, though of the Romish religion, being ancient inhabitants within several counties and parts of that realm, who have always in former rebellions given testimony of their fidelity to this crown; and for the utter depriving of his royal majesty, and the crown of England, from the government of that kingdom, (under pretence of setting up the Popish religion) have therefore taken into their serious consideration, how those mischievous attempts might be most speedily and effectually prevented, wherein the honour, and interest of this kingdom, are most nearly and fully concerned.

Wherefore they do hereby declare, that they do intend to serve his majesty with their lives and fortunes, for the suppressing of this wicked rebellion, in such a way as shall be most effectual, by the wisdom and authority of parliament, and thereupon have ordered and provided for a present supply of money, and raising the number of six thousand foot, and two thousand horse, to be sent from England, being the full proportion desired by the lords justices, and his majesty's council resident in that kingdom, with a resolution to add such further succours, as the necessity of these affairs shall require. They have also resolved of providing arms and munition, not only for those men, but likewise for his majesty's faithful subjects in that kingdom, with store of victuals, and other necessaries, as there shall be occasion; and that these provisions may more conveniently be transported thither, they have appointed three several ports of this kingdom, that is to say, Bristol, Westchester, and one other in Cumberland, where the magazines and storehouses shall be kept, for the supply of the several parts of Ireland. They have likewise resolved to be humble mediators to his most excellent majesty, for the encouragement of those English or Irish, who shall, upon their own charges, raise any number of horse or foot, for his service, against the rebels, that they shall be honourably rewarded with lands or inheritance in Ireland, according to their merits. And for the better inducing the rebels to repent of their wicked attempts, they do hereby commend it to the lord lieutenant of Ireland, or, in his absence, to the lord deputy or lords justices there, according to the power of the commission granted in that behalf, to bestow his majesty's gracious pardon to all such as, within a convenient time (to be declared by the lord lieutenant, or lord deputy, or lords justices and council of that kingdom) shall return to their due obedience; the greater part thereof, they conceive, have been seduced upon false grounds, by the cunning and subtile practices of some of the most malignant rebels, enemies to this state, and to the reformed religion; and likewise to bestow such



rewards as shall be thought fit and published by the lord lieutenant, lord deputy, or lords justices and council, upon all those who shall arrest the persons, or bring the heads of such treaytors, as shall be personally named in any proclamation published by the state there.

And they do hereby exhort and require all his majesty's loving subjects, both in this and in that kingdom, to remember their duty and conscience to God and his religion.

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## No. XXVI.

THE OATH TAKEN BY THE IRISH....PAGE 119.

I A. B. do, in the presence of Almighty God and all the saints and angels in Heaven, promise, vow, swear, and protest, to maintain and defend, as far as I may, with my life, power, and estate, the public and free exercise of the true and Roman Catholic religion, against all persons that shall oppose the same. I further swear, that I will bear faith and true allegiance to our sovereign lord King Charles, his heirs and successors; and that I will defend him and them as far as I may, with my life, power, and estate, against all such persons as shall attempt any thing against their royal persons, honours, estates, and dignities, and against all such as shall directly or indirectly endeavour to suppress the royal prerogative, or do any act or acts contrary to regal government; as also the power and privileges of parliament, the lawful rights and privileges of the subjects, and every person, that makes this vow, oath, and protestation, in whatsoever he shall do, in the lawful pursuance of the same. And to my power, as far as I may, I will oppose, and by all means and ways endeavour to bring to condign punishment, even to the loss of life, and liberty, and estate, all such as shall either by force, practice, plots, conspiracies, or otherwise, do or attempt any thing to the contrary of any article, clause, or any thing in this present vow, oath, or protestation contained. So God me help.

## No. XXVII.

LORD CLANRICARDE'S LETTER TO THE KING....PAGE 119.

MAY IT PLEASE YOUR MAJESTY,

THE 5th of this present was a day of great comfort and consolation to me, receiving assurance (by your majesty's direction) from my Lord Falkland, that your majesty was pleased to hold a gracious opinion of my endeavours and proceedings for your service; and that the distraction of the times, and not displeasure, diverted the course of your majesty's favours towards me, which, in my own thoughts, gave me very high satisfaction, and requires my humble acknowledgements; and if your majesty had reserved the reducing of this kingdom to our own power and management, I do confidently presume, that as you have honoured me with this government, so your majesty would have long since intrusted me with means and ability to discharge the duty of my place, and to appear considerable in your service; but, as it is now governed, though many there are most near unto me in blood, and, as I conceive, sure to me in friendship and affection, yet I apparently find (such is the disposition of the times) let my endeavours be never so industrious and faithful, I shall never attain to any trust or employment that may gain me honour by my service, nor any support to ease my infinite charge, which hath already consumed both my fortune and credit.

I have written to my Lord of Falkland, and sent him several papers, that will give some account of my proceedings since my last dispatch, and the motives, that guided me to the courses I have taken, being left to myself, without either strength or intelligence; and there I hope faith and duty will appear, though accompanied with error and disability. Those of most importance, wherein I most desire to justify myself, concern the arrival of the Lord Forbes to the Bay of Galway, with the title of lieutenant general of the additional forces.

And unto your majesty, I presume to send herewith a copy of the submission his lordship required from Galway. The motives of my proceedings with his lordship, and a note of particulars I have sent unto my Lord of Falkland, that your majesty may be informed at your best leisure of what you shall please to make choice of. I understand, that those forces were sent at the request, and upon the charge of the city of London; and whether they were so fair in your majesty's favour as to

have such an important place put into their hands, and taken out of my government, intrusted to me by your majesty, appeared very doubtful unto me, and inclined me rather to a respective refusal of such assistance, until I received some further intimation of your pleasure, whether it be a necessary part of my duty to receive all accidental forces, or to attend those supplies, that may be properly assigned for this place, and that I may have some interest or command over them: otherwise I have cause to fear much danger and prejudice by the violence offered by some here, and more frequently in other places.

After a long expectation, the natives of these parts finding no power or assistance coming or appointed for me, nor no instruction or declaration directed to me under your royal signature, neither intreaties, threats, nor protestations can persuade or draw most men from the belief, that they do really serve your majesty, that are in this present commotion, and that I do adhere to those that stand in opposition to your majesty, in regard that my brother hath so far cast himself into your majesty's displeasure (which I cannot mention but with a deep impression of grief and amazement), and that your majesty's fort at Galway is no more at your own disposal, but in the hands of your enemies, by the correspondency between the Lord Forbes and the captain of the fort; and most are so carried with these opinions, that I have gotten the hatred of the whole kingdom, and though most faithful, yet least able to serve your majesty, or defend myself. And such is the distracted apprehension of these people, that though many are inclining to fall off, in whom I reposed much confidence; and that few will pay any exact obedience: and that oppressed by multitudes, I may this winter be in danger to be shut up or besieged; yet, if vows or protestations may gain belief, I should be followed by thousands to serve your majesty in any other place. But as the state of this kingdom stands, such is their sense of the opposition given to your majesty by some faction in your parliament, of the injustice done them by those, that govern here, and the general destruction conceived to be designed against the natives, that almost the whole kingdom are united into one resolute body to gain their preservation, or sell their lives at the dearest rates.

I give your majesty most humble thanks for the licence I have received for my repair into England; but the land passages to Dublin being stopt, and the time of the year far spent, which make the long voyage by sea most dangerous and troublesome for women and children, I resolved between two extremes to keep my family here till summer; but if your majesty find no inconvenience there, by my attendance upon you in England, which I know not how to judge of at this distance, being debarred



free intelligence, I should myself be glad to wait upon your majesty, to represent some things unto you, that I conceive might be of advantage to your service, which I humbly submit to your majesty's consideration. And for my own particular, God is my witness, I have no other aim nor end but merely to approve myself serviceable, and most constantly loyal to your majesty; and but for these respects, I should not care how soon I paid nature that debt, which must be at last discharged; and if it please God to hasten me from these miseries, and that I may not repair unto your majesty, I shall confidently trust in your grace and goodness, that your majesty will vouchsafe to take my wife and children into your royal care and protection and likewise the heir male of a never tainted family, whose carriage and disposition will, I hope, deserve your majesty's favour.

And pardoning my present presumption, whilst I have life I will constantly offer up my prayers and vows for your majesty's preservation from all dangers, and that you may appear in full power and glory, answerable to the birth and virtues of so great a monarch, and your majesty may be graciously pleased to conceive it want of ability and means of expression, and no failing of duty or affection, if I do not clearly approve myself,

Your majesty's most humble and faithful

Laughreagh, the 26th  
of October, 1642.

subject and servant,

CLANRICARDE and ST. ALBANS.

## No. XXVIII.

THE REMONSTRANCE OF THE CATHOLICS OF IRELAND, DELIVERED TO HIS MAJESTY'S COMMISSIONERS, AT TRYM, 17TH OF MARCH, 1642....PAGE 120.

TO THE KING'S MOST EXCELLENT MAJESTY.

MOST GRATIOUS SOVEREIGNE,

WEE your majestie's most dutifull and loyall subjects, the Catholiques of your highness' kingdome of Ireland, being necessitated to take armes for the preservation of our religion, the maintenance of your majestie's rights and prerogatives, the natural and just defence of our lives and estates, and the liberties of our country, have often since the beginning of

these troubles, attempted to present our humble complaynts unto your royall view, but we are frustrated of our hopes therein by the power and vigilance of our adversaries (the now lords justices and other ministers of state in this kingdom), who by the assistance of the malignant partie in England, now in armes against your royall person, with less difficultie to obtain the bad ends they proposed to themselves, of extirpateing our religion and nation, have hitherto debarred us of any access to your majesty's justice, which occasioned the effusion of so much innocent blood, and other mischiefs in this your kingdom; and that otherwise might well bee prevented. And whereas of late notice was sent unto us of a commission granted by your majesty to the Right Honourable the Lord Marques of Ormond, and others, authorizing them to heare what we shall say or propound, and the same to transmit to your majestie in writing, which your majestie's gracious and princely favour, wee finde to be accompanied with these words, viz. *albeit wee doe extremely detest the odious rebellion, which the recusants of Ireland have, without ground or colour, raised against us, our crown and dignitie*); which words wee doe in all humilitie conceive to have proceeded from the misrepresentations of our adversaries, and therefore do protest, we have been therein maliciously traduced to your majestie, having never entertained any rebellious thought against your majesty, your crowne or dignitie, but always have been, and ever will continue, your majestie's most faithfull and loyall subjects, and doe most humbly beseech your majestie soe to owne and avowe us, and as such wee present unto your majestie these ensuing grievances and causes of the present distempers.

**Imprimis.** The Catholiques of this kingdome, whom no reward could invite, no persecution could inforce, to forsake that religion professed by them and their ancestors for thirteen hundred years or thereabouts, are since the second yeare of the reigne of Queen Elizabeth, made incapable of places of honour or trust, in church or commonwealth, their nobles become contemptible, their gentry debarred from learning in universities, or public schools within this kingdom, their younger brothers put by all manner of employment in their native country, and necessitated (to their great discomfort and impoverishment of their land) to seek education and fortune abroad, misfortunes made incident to the said Catholiques of Ireland only (their numbers, qualitie, and loyaltie considered) of all the nations of Christendome.

**2dly.** That by this incapacitie, which in respect of their religion was imposed upon the said Catholiques, men of mean condition and qualitie, for the most part, were, in this kingdome, employed in places of the greatest honour and trust, who being

to begin a fortune, built it on the ruins of the Catholic natives, at all times lying open to be discountenanced, and wrought upon, and who (because they would seeme to be carefull of the government) did from tyme to tyme suggest false and malicious matters against them, to render them suspected and odious in England; from which ungrounded informations, and their many other ill offices, these mischiefs have befallen the Catholics of Ireland. First, the opposition given to all the graces and favours, that your majestie or your late royall father promised or intended to the natives of this kingdom; secondly, the procuring false inquisitions, upon feigned titles of their estates against many hundred years possession, and no travers or petition of right admitted thereunto, and jurors denying to find such offices were censured even to publique infamie and ruin of their estates, the finding thereof being against their consciences and their evidences, and nothing must stand against such offices taken of great and considerable parts of the kingdome, but letters pattent under the great scale; and if letters patent were produced (as in most cases they were) none must be allowed valid, nor yet sought to be legally avoyded, soe that of late times by the underhand working of Sir William Parsons, knight, now one of the lords justices here, and the arbitrary illegal power of the two impeached judges in parliament and others drawn by their advise and counsell, one hundred and fifty letters pattents were avoyded one morning, which course continued untill all the patents of the kingdome, to a few, were by them and their associates declared void; such was the care those ministers had of your majestie's great seale, being the publique faith of the kingdome. This way of service in shew only pretended for your majestie, proved to your disservice and to the immoderate, and too tymely advancement of the said ministers of state and their adherents, and nearly to the utter ruin of the said Catholics.

3dly. That whereas your majestie's late royall father, King James, having a princely and fatherly care of this kingdome, was graciously pleased to graunt severall large and beneficiall commissions, under the great seale of England, and several instructions, and letters under his privie signett, for passing and securing the estates of his subjects here by letters pattents under the great seale, and letters pattents accordingly were thereof passed, fynes payed, old rentes encreased, and new rents reserved to the crowne; and the said late king was further graciously pleased, att several tymes, to send divers honourable persons of integritie, knowledge and experience, to examine the grievances of this kingdome, and to settle and establish a course for redress thereof: and whereas your majestie was graciously pleased, in the fourth yeare of youre reign, to vouch-



safe a favourable heareing to the grievances presented unto you, by agents from this kingdome, and thereupon did grant many graces and favours unto your subjects thereof, for securities of their estates and redress for remove of those heavy pressures, under which they have long groaned ; which acts of justice and grace extended to this people by your majestie, and your said royal father, did afford them great content, yett, such was, and is yett the immortall hatred of some of the said ministers of state, and especially of Sir William Parsons, the said impeached judges and their adherents to any welfare and happiness of this nation, and their ambition to make themselves still greater and richer, by the total ruine and extirpation of this people, that under pretence of your majestie's service, the public faith involved in those grants were violated, and the grace and goodness intended by two glorious kings successively, to a faithful people, made unprofitable.

4th. The illegal, arbitrary, and unlawfull proceedings of the said Sir William Parsons, and one of the said impeached judges, and their adherents and instruments, in the court of wards, and the many wilfully erroneous decrees and judgments of that court, by which the heirs of Catholique noblemen and other Catholiques were most cruelly and tyrannically dealt withall, destroyed in their estates, and bred in dissolution and ignorance, their parents debts unsatisfied, their younger brothers and sisters left wholly unprovided for, the auncient and appearing tenures of mesne lords unregarded, estates valid in law and made for valuable considerations avoyded against law, and the whole land filled upp with the frequent swarms of exheators, feodaryes, pursuivants, and others, by authoritie of that court.

5th. The said Catholiques, notwithstanding the heavy pressures beforementioned, and other grievances in part represented to your majestie by the late committees of both houses of parliament of this kingdome, (whereunto they humbly desire that relation being had, and redress obtained therein) did readily and without reluctance or repining contribute to all the subsidies, loanes, and other extraordinary graunts made to your majestie in this kingdome, since the beginning of your reigne, amounting unto well neare one million of poundes, over and above your majestie's revenue, both certain and casual, and although the said Catholiques were in parliament and otherwise the most forward in graunting the said summes, and did beare nine parts of ten in the payments thereof, yet such was the power of their adversaryes, and the advantage they gained by the opportunity of their continuall address to your majesty, to encrease their reputation by getting in of those monies, and their authoritie in the distribution thereof to your majestie's

great disservice, that they assumed to themselves to be the procurors thereof, and represented the said Catholiques as obstinate and refractory.

6th. The army raised for your majestie's service here, at the great charge of the kingdome, was disbanded by the pressing importunitie of the malignant partie in England, not giving way, that your majestie should take a desire therein with the parliament here, alledging the said army was Popish, and therefore not to be trusted, and although the world could witness the unwarrantable and unexampled invasion made by the malignant partie of the parliament of England, upon your majestie's honour, rights, prerogatives, and principal flowers of your crown ; and that the said Sir William Parsons, Sir Adam Loftus, knight, your majestie's vice-treasurer of this kingdome, and others their adherents, did declare, that an army of ten thousand Scots was to arrive in this kingdome, to force the said Catholiques to change their religion, and that Ireland could never doe well without a rebellion, to the end the remaine of the natives thereof might be extirpated, and wagers were laid at a general assize and publique meetings by some of them then and now employed in places of greate profit and trust in this kingdome, that within one yeare no Catholique should be left in Ireland ; and that they saw the ancient and unquestionable privileges of the parliament of Ireland unjustly and against law encroached upon, by the orders, acts and proceedings of both houses of parliament in England in sending for and questioning to and in that parliament, the members of the parliament of this kingdome, sitting the parliament here ; and that by speeches, and orders printed by authoritie of both houses in England, it was declared, that Ireland was bound by the statutes made in England, if named ; which is contrary to known truth, and the laws here settled for foure hundred years and upwards ; and that the Catholiques were thoroughly informed of the protestation of both houses of parliament of England against Catholiques, and of their intention to introduce lawes for the extirpation of Catholique religion in the three kingdomes, and that they had certain notice of the bloody execution of priests there, only for being priests, and that your majesty's mercy and power could not prevaile with them to save the lyfe of one condemned priest, and that the Catholiques of England being of their own flesh and blood, must suffer or depart the land, and consequently others not of so neere a relatione to them, if bound by their statutes, and within their power. These motives, although very strong and powerfull to produce apprehensions and fears in the said Catholiques, did not prevaile with them to take defensive armes, much less offensive ; they still expecting, that

your majesty in your high wisdom might be able in a short tyme to apply seasonable cures, and apt remedies unto those evils and innovations.

7th. That the committees of the lords and commons of this kingdome, having attended your majestie for the space of nine months, your majestie was graciously pleased, notwithstanding your then weightie and urgent affaires in England and Scotland, to receive, and very often with very great patience to hear their grievances, and many debates thereof at large; during which debates, the said lords justices, and some of your privy councill of this kingdome and their adherents, by the malicious and untrue informations conveyed to some ministers of state in England (who since are declared of the malignant partie), and by their continuall solicitation of others of the said privy councill, gone to England, of the purpose to cross and give impediment unto the justice and grace your majestie was inclined to afford to your subjects of this realme, did as much as in them lay, hinder the obtaining of any redress for the said grievances, and not prevailing therein by your majestie, as they expected, have by their letters and instruments, laboured with many leading members of the parliament there, to give stopp and interruption thereunto: and likewise transmitted unto your majestie, and some of the state of England, sundry misconstructions and misrepresentations of the proceedings and actions of your parliament of this kingdome, and thereby endcavoured to possess your majestie with an evil opinion thereof, and that the said parliament had no power of judicature in capitall causes (which is an essential part of parliament), thereby aymeing at the importunitie of some of them, and others, who were then impeached of high treason, and at the destruction of this parliament, but the said lords justices and privy councill observing, that no art or practice of theirs could be powerfull to withdraw your majestie's grace and good intentions from his people, and that redress graunted of some particular grievances was to be passed as acts of parliament, the said lords justices and adherents, with the height of malice, envying the good union long before settled and continued between the members of the House of Commons, and their good correspondence with the Lords, left nothing unattempted, which might rayse discord and disunion in the said house, and by some of themselves and some instruments of theirs in the Commons House, private meetings of greate numbers of the said house were appointed of purpose to rayse distinction of nation and religion, by meanes whereof a faction was made there, which tended much to the disquiet of the house and disturbance of your majestie's and the publikes service, and after certain knowledge, that the said committees were by the waterside in England, with sundry important and beneficial



bills, and other graces, to be passed as acts in that parliament, of purpose to prevent the same, the said faction, by the practice of the said lords justices, and some of the said privy councill and their adherents, in a tumultuous and disorderly manner, on the seventh day of August, 1641, and on several days before, cryed out for an adjournment of the House; and being over voted by the voices of the more moderate partie, the said lords justices and their adherents told several honourable peers, that if they did not adjourne the Lords House on that day, being Saturday, that they themselves would prorogue or adjourn the parliament on the next Monday following, by means whereof, and of great numbers of proxies of noblemen, not estated, nor at any tyme resident in this kingdome (which is destructive to the libertye and freedom of parliaments here), the Lords House was on the said seventh day of August adjourned, and the House of Commons by occasion thereof, and of the faction aforesaid, adjourned soon after; by which means those bills and graces, according to your majestie's intention and the great expectation and longing desires of your people, could not then pass as acts of parliament.

Within few dayes after this fatal and enforced adjournment, the said committees arrived at Dublin, with their dispatch from your majestie, and presented the same to the lords justices and councill, expressing a right sense of the said adjournment, and besought their lordships, for the satisfaction of the people, to require short heads of that part of the dispatch, wherein your majestie did appeare in the best manner unto your people might be suddenly conveyed unto all the partes of the kingdome, attested by the said lords justices, to prevent despaire or misunderstanding. This was promised to be done, and an instrument drawn, and presented unto them for this purpose, and yet (as it seems desiring rather to add fuell to the fire of the subjects discontents than quench the same) they did forbear to give any notice thereof to the people.

8th. After this, certain dangerous and pernicious petitions, contrived by the advise and counsell of the said Sir William Parsons, Sir Adam Loftus, Sir John Clotworthy, Knights, Arthur Hill, Esq. and sundry other of the malignant partie, and signed by many thousands of the malignant partie in the citty of Dublin, in the province of Ulster, and in sundry other of the partes in this kingdome, directed to the Commons House in England, were at publique assizes and other publique places made known and read to many persons of qualitie in this kingdome; which petitions containd matters destructive to the said Catholiques, their religion, lives, and estates, and were the more to be feared by reason of the active power of the said Sir John Clotworthy in the Commons House in England, in opposition

to your majestie, and his barbarous and inhumane expressions in the house against Catholique religion and the possessors thereof. Soon after an order conceived in the Commons House in England, that no man should bowe unto the name of Jesus (att the sacred sound all knees should bend), came to the knowledge of the said Catholiques, and that the said malignant partie did contrive and plott, to extinguish their religion and nation. Hence it did arise, that some of the said Catholiques begun to consider the deplorable and desperate conditione they were in, by a statute law here found amongst the records of this kingdome of the second yeare of the reigne of the late Queen Elizabeth (but never executed in her tyme, nor discovered till most of the members of that parliament were dead,) by which no Catholique of this kingdome could enjoy his life, estate, or liberty, if the said statute were executed, whereunto no impediment remayned but your majestie's prerogative and power; which were endeavoured to be clipped, or taken away, as before has been rehearsed; then the plott of destruction by an army out of Scotland, and another of the malignant partie in England must be executed, the feares of those two-fold destructions, and their ardent desire to maintaine that just prerogative, which might encounter and remove it, did necessitate some Catholiques in the north, about the 22d of October, 1641, to take armes in maintenance of their religion, your majestie's rights, and the preservation of life, estate, and libertie: and immediately thereuppon tooke a solemn oath, and sent several declarations to the lords justices and councill to that effect, and humbly desired they might be heard in parliament, unto the determination whereof they were ready to submit themselves and their demands: which declarations being received, were slighted by the said lords justices, who by the swaying part of the said councill, and by the advise of the said two impeached judges, glad of any occasion to put off the parliament, which by the former adjournment was to meete soone after, caused a proclamation to be published on the 23d of the said month of October, 1641, therein accusing all the Catholiques of Ireland of disloyaltie, and thereby declaring, that the parliament was prorogued until the 26th of February following.

9th. Within few dayes after the said 23d October, 1641, many lords and other persons of ranke and qualitie, made their humble address to the said lords justices and councill, and made it evidently appeare to them, that the said prorogation was against law, and humbly besought the parliament might sit according to the former adjournment, which was then the only expedient, to compose or remove the then growing discontents and troubles of the land; and the said lords justices and their partie of the councill, then well knowing, that the members of both houses

throughout the kingdome (a few in and about Dublin only excepted) would stay from the meeting of both houses, by reason of the said prorogation, did by proclamation two days before the time, give way the parliament might sitt, but so limited, that no act of grace, or any thing else for the peoples quiet or satisfaction, might be propounded and passed; and thereupon a few of the lords and commons appeared in the parliament house, who at the entrance of the castle bridge and gate, and within the yarde to the parliament house doore, and recess from thence, were environed with a great number of armed men, with their matches lighted, and muskets presented even at the breasts of the members of both houses, none being permitted to bring one servant to attend him, or any weapon about him within the castle bridge, yet how then soever the houses were, or how much overawed, they both did supplicate the lords justices and councill, that they might continue for a tyme together, and expect the coming of the rest of both houses, to the end, that they might quiet the troubles in full parliament, and that some acts of securitie graunted by your majesty, and transmitted under the great scale of England, might pass, to settle the minds of your majestie's subjects; but to these requests, soe much conducing to your majesty's service, and settlement of your people, a flatt denyall was given; and the said lords justices and partie of the councill, by their working with their partie, in both houses of parliament, being very thyn as aforesaid, propounded an order should be conceived in parliament, that the said discontented gentlemen took armes in rebellious manner, which was resented much by the best affected of both houses; but being awed as aforesaid, and credibly informed, if some particular persons amongst them stood in opposition thereunto, that the said musketeers were directed to shoote them att their going out of the parliament house, through which terror, way was given to that order.

10th. Notwithstanding all the beforementioned provocations, pressures, and indignities, the farr greater and more considerable parte of the Catholiques, and all cittyes and corporations of Ireland, and whole provinces, stood quiet in their houses, whereupon the lords justices and their adherents well knowing, that many powerfull members of parliament in England stood in opposition to your majestie, made their application, and addressed their dispatches full fraught with calumnies and false suggestions against the Catholiques of this kingdome, and propounded unto them, to send several great forces to conquer this kingdome, those of the malignant partie here were by them armed; the Catholiques were not only denied arms, but were disarmed, even in the city of Dublin, which in all succession



of ages past, continued as loyall to the crown of England, as any citty or place whatsoever; all other auncient and loyall cittys and corporate towns of the kingdome (by means whereof principally the kingdome was preserved in former tymes) were denyed armes for their money to defend themselves, and express order given by the said lords justices, to disarm all Catholiques in some of the said cittyes and townes, others disfurnished, were inhibited to provide armes for their defence, and the said lords justices and councill having received an order, of both houses of parliament in England, to publish a proclamation of parliament of pardon unto all those, who were then in rebellion (as they tearmed it) in this kingdome, if they did submit by a day limited, the said Sir William Parsons, contrary to this order, soe wrought with his partie of the councill, that a proclamation was published of pardon only in two countyes, and a very short day prefixed, and therein all freeholders were excepted, through which every man saw that the estates of the Catholiques, were first ayimed att, and their lives next.... The said lords justices and their partie having advanced their design thus far, and not finding the success answerable to their desires, commanded Sir Charles Coote, knight and baronet, deceased, to march to the county of Wicklow, where he burnt, killed, and destroyed all in his way in a most cruell manner, man, woman, and childe; persons, that had not appearingly wills to doe hurt, nor power to execute it. Soone after some foote companies did march in the night by direction of the said lords justices and their said partie, to the towne of Sauntry in Fingal, three miles off Dublin, a country that neither then, nor for the space of four or five hundred yeares before, did feel what troubles were, or war meant; but it was too sweet and too neare, and therefore fit to be forced to armes. In that town innocent husbandmen, some of them being Catholiques, and some Protestants taken for Catholiques, were murdered in their inn, and their heads carryed tryumphant into Dublin. Next morning, complaynt being made of this, no redress was obtayned therein, whereupon some gentleman of qualitie, and others the inhabitants of the country, seeing what was then acted, and what passed in the said last march towards the county of Wicklow, and justly fearing all to be murthered, forsook their houses, and were constrayned to stand together in their own defence, though ill provided with armes and ammunition. Hereupon a proclamation was agreed uppon at the board, on the 13th December, 1641, and not published or printed till the 15th of December; by which the said gentlemen and George Kinge, by name, were required to come in, by or upon the 18th of the same month, and safety was therein promised them. On the same day another proclamation was published, summoning the lords dwell-

ing in the English pale near Dublin, to a grand councill on the 17th of the said month ; but the lords justices and their partie of the councill, to take away all hopes of accommodation, gave direction to the said Sir Charles Coote, the said 15th day of the said month of December, to march to Clontariffe, being the howse and town of the said George Kinge, and two miles from Dublin, to pillage, burn, kill and destroy ali that was there to be found ; which direction was readily and particularly observed, (in a manifest breach of public faith) by means whereof, the meeting of the said grand councill was diverted, the lords not daring to come within the power of such notorious faith breakers, the consideration whereof, and of other the matters aforesaid, made the nobility and gentry of the English pale, and other parts of the province of Leinster, sensible of the present danger, and put themselves in the best posture they could for their natural defence. Wherefore they employed Lieutenant Collonel Read to present their humble remonstrance to your sacred majestie, and to declare unto you the state of their affayres, and humbly to beseech relief and redress ; the said lieutenant collonel, though your majesties servant, and employed in public trust (in which case the law of nations affords safety and protection) was without regard to either, not only stopt from proceeding in his employment, but also tortured on the rack at Dublin.

11th. The lord president of Munster, by direction of the said lords justices (that province being quiet) with his accomplices, burnt, preyed, and put to death, men, women, and children, without making any difference of qualitie, condition, age, or sex, in several parts of that province ; the Catholique nobles and gentlemen there were mistrusted and threatened, and others of inferior qualitie, trusted and furnished with armes and ammunition. The province of Connaught was used in the like measure, whereupon most of the considerable Catholiques in both the said provinces, were inforced (without armes and ammunition) to look after their safety, and to that end did stand on their defence, still expecting your majesties pleasure, and always ready to obey your commands. Now the plott of the said ministers of state and their adherents being even ripe, applications were incessantly by them made to the malignant partie in England, to deprive this people of all hopes of your majesties justice or mercie, and to plant a perpetual enmity between the English and Scottish nations, and your subjects of this kingdome.

12th. That whereas this your majesties kingdome of Ireland in all succession of ages, since the raigne of King Henry the Second, sometime king of England and lord of Ireland, had parliaments of their owne, composed of lords and commons, in

the same manner and forme, qualified with equal liberties, powers, privileges, and immunities with the parliament of England, and onely depend of the king and crowne of England and Ireland, and for ail that time, no prevalent record or authentic precedent can be found, that any statute made in England could or did bind this kingdome before the same were here established by parliament: yet upon untrue suggestions and informations given of your subjects of Ireland, an act of parliament, entitled *An Act for the speedie and effectual reducing the Rebels in his Majesties kingdome of Ireland to their due obedience to his Majesty and the Crowne of England*; and another act entitled *An Acte for adding unto and explayning the said former act*, was procured to be enacted in the said parliament of England, in the eighteenth yeare of your majesties reign, by which acts and other proclamations your majesty's subjects unsummoned unheard, were declared rebels, and two millions and a half of acres of arable meadow, and profitable pasture, within this kingdom sold to undertakers for certaine summes of monie, and the edifices, loghs, woodes, and bogges, wastes and other appurtenances, were thereby mentioned to be granted and passed *gratis*, which acts the said Catholiques doe conceive to have been forced uppon your majestie, and although void and unjust in themselves to all purposes, yet contain matters of evil consequences and extreme prejudice to your majesty, and totally destructive to this nation. The scope seeming to aime at rebels only, and at the disposition of a certaine quantitie of land, but in effect and substance, all the lands in the kingdome, by the words of the said acts, may be distributed, in whose possession soever they were, without respect to age, condition, or qualitie, and all your majesties tenures, and the greatest part of your majesties standing revenue in this kingdome, taken away: and by the said acts, if they were of force, all power of pardoning and of granting those lands, is taken from your majesty. A president, that no age can instance the like. Against this act the Catholiques do protest, as an act against the fundamental lawes of this kingdome, and as an act destructive to your majesties rights and prerogatives, by colour whereof, most of the forces sent hither to infest this kingdome by sea and land, disavowed any authoritie from your majestie, but to depend upon the parliament of England.

13th. All strangers, and such as were not inhabitants of the citty of Dublin, being commanded by the said lords justices in and since the said month of November, 1641, to depart the said city, were no sooner departed, than they were, by the directions of the said lords justices, pillaged abroad, and their goods seized uppon and confiscated in Dublin, and they desireing to return under the protection and safetie of the state, before their ap



pearance in action, were denied the same, and divers other persons of rank and qualitie, by the said lords justices employed in publique service, and others keeping close within their doores, without annoying any man, or siding them with any of the said Catholiques in armes, and others in severall parts of the kingdome living under, and having the protection and safety of the state, were soon pillaged and their howses burnt; themselves, their tenants, and servants killed and destroyed, and that by the open direction of the said lords justices; and by the like direction, when any commander in chiefe of the army, promised or gave quarter or protection, the same was in all cases violated, and many persons of qualitie, who obtained the same, were ruined before others; others, that came into Dublin voluntarily, and that could not be justly suspected of any crime, if Irishmen or Catholiques, by the like direction were pillaged in Dublin, robbed and pillaged abroad, and brought to their tryall for their lives. The citties of Dublin and Cork, and the ancient corporate townes of Drogheda, Yeoghal, and Kingsale, who voluntary received garisons in your majestie's name, and the adjacent countreyes, who relieved them, were worse used; and now live in worse condition, than the Israelites did in Egypt; so that it will be made appear, that more murders, breaches of publique faith and quarter, more destruction and desolation, more cruelty, not fit to be named, were committed in Ireland, by the direction and advice of the said lords justices and their partie of the said councill, in less than eighteene months, than can be paralleled to have been done by any Christian people.

14th. The said lords justices and their adherents have against the fundamental lawes of the lande, procured the sitting of both houses of parliament for several sessions (nine parts of ten of the naturall and genuine members thereof being absent, it standing not with their safety to come under their power), and made up a considerable number in the House of Commons of clerks, soldiers, serveing men, and others, not legally or not chosen at all or returned, and haveing no manner of estate in the kingdome, in which sitting sundry orders were conceived, and dismisses obtayned of persons before impeached of treason in full parliament, or which passed, or might have passed some acts against law, and to the prejudice of your majestie, and this whole nation. And during these troubles, terms were kept, and your majestie's court of cheefe place, and other courts sat at Dublin, to no other end or purpose, but by false and illegal judgments, outlawries, and other capital proceedings, to attaint many thousands of your majestie's most faithfull subjects of this kingdome; they being never summoned nor haveing notice of those proceedings, and sheriffs made of obscure and meane persons, by the like practice appointed of purpose; and poor artificers, common

soldiers, and menial servants, returned jurors, to pass upon the lives and estates of those, who came in upon protection and publique faith.

Therefore the said Catholiques, in the behalfe of themselves and of the whole kingdome of Ireland, doe protest and declare against the said proceedings, in the nature of parliaments, and in the other courts aforesaid, and every of them, as being heynous crimes against law, destructive to parliaments and your majestie's prerogative and authoritie, and the rights and just liberties of your most faithfull subjects.

Forasmuch, dread soveraigne, as the speedy application of apt remedies unto these grievances and heaveie pressures, will tend to the settlement and improvement of your majestie's revenue, the prevention of further effusion of blood, the preservation of this kingdome, from desolation, and the content and satisfaction of your said subjects, who, in manifestation of their duty and zeal to your majesty's service, will be most willing and ready to employ ten thousand men under the conduct of well experienced commanders, in defence of your royal rights and prerogatives, they therefore most humbly beseech your majestie, that you will vouchsafe gracious answers to these their humble and just complaynts, and for the establishment of your people in a lasting peace and securitie, the said Catholiques doe most humbly pray, that your majestie may be further graciously pleased to call a free parliament in this kingdome in such convenient tyme, as your majestie in your high wisdom shall think fitt, and urgencie of the present affairs of the saide kingdome doth require, and that the said parliament be held in a different place, summoned bye and continued before some person or persons of honour and fortune, of approved faith to your majestie, and acceptable to your people here; and to be tymely placed by your majestie in this government, which is most necessary for the advancement of your service and present condition of the kingdome, in which parliament the said Catholiques doe humbly pray, these or other grievances may be redressed, and that in the said parliament a statute made in this kingdome in the tenth year of King Henry the Seventh, commonly called Poyning's, and all acts explayneing, or enlargeing the same, be by a particular act suspended during that parliament, as it hath been already done in the eleventh year of Queen Elizabeth, upon occasions of far less moment, than now doe offer themselves: and that your majestie, with the advice of the said parliament, will be pleased to take a course for the further repealing, or further continuance of the said statutes, as may best conduce to the advancement of your service here, and peace of this your realme, and that no matter whereof complaint is made in this remonstrance, may debar Catholiques, or give interruption to

their free votes, or sitting in the said parliament; and as in duty bound they will ever pray for your majestie's long and prosperous reigne over them.

Wee the undernamed being thereunto authorized, doe present and signe this remonstrance in the behalfe of the Catholics of Ireland, dated this 17th day of March, 1642,

Gormanston,	Lucas Dillon,
Robert Talbott,	John Walsh.

According to your majestie's commission to us directed, we have received this Remonstrance, subscribed by the Lord Viscount Gormanston, Sir Lucas Dillon, Knight, Sir Robert Talbott, Bart. and John Walsh, Esq. authorised by, and in the behalfe of the recusants of Ireland, to present the same unto us, to be transmitted to your sacred majesty, dated the 17th day of March, 1642.

Clanrickard and St. Albans,	Roscommon,
Moore,	Mau. Eustace.

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## No. XXIX.

[PAGE 121.]

WHEREAS his majesty's most faithful subjects, the confederate Catholics of Ireland, were enforced to take arms, for the preservation of their religion, for the defence of his majesty's just prerogative and rights, and for the maintenance of the rights and liberties of their country, laboured to be destroyed by the malignant party; and whereas his majesty in his high wisdom, and in his princely care of his said subjects welfare and safety, and their humble suit, that his majesty might be graciously pleased to hear their grievances, and vouchsafe redress therein, did direct there should be a cessation of arms, and thereupon did direct the Right Honourable the Marquis of Ormond, to treat of, and conclude the said cessation with the said confederate Catholics; Know ye, that the supreme council, by express order and authority of the said Catholics, by them conceived and granted in their general assembly at Kilkenny, on the 20th day of the last month of May; and in pursuance of the said order and authority, reposing special trust and confidence in the wisdom, circumspection, and provident care, honour, and



sincerity of our very good lords, Nicholas Lord Viscount Gormanstown, Donough Lord Viscount Muskerry, and our well-beloved Sir Lucas Dillon, Knight; Sir Robert Talbot, Bart. Tirlagh O'Niel, Esq. Geoffry Brown, Esq. Ever. Macgennis, Esq. and John Walsh, Esq. have constituted, appointed, and ordained the said Nicholas Lord Viscount Gormanstown, Donough Lord Viscount Muskerry, &c. our commissioners; and do by these presents give and grant to our commissioners, or any five or more of them, full power and authority to treat with the said Lord Marquis of Ormond, of a cessation of arms, for one whole year, or shorter, and to conclude the same for the time aforesaid, upon such terms, conditions, or articles, as to the commissioners aforesaid, in their judgments, consciences, and discretions, shall be thought fit and expedient; by these presents ratifying and confirming whatever act or acts our commissioners shall do or execute concerning the said cessation. Given at Kilkenny, the 23d of June, 1643.

Mountgarret,	Netterville,
Castlehaven, Audly,	Nich. Plunkett,
Malach. Archiep. Tuam.	Edmund Fitzmorrice,
Fleming, Archiep. Dub.	Patrick Darcy,
Maurit. de Rupe et	Robert Lynch,
Fermoy,	Richard Belling.

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### No. XXX.

THE KING TO THE MARQUESS OF ORMONDE, SENT BY MR.  
BRENT....PAGE 122.

ORMONDE,

THIS honest bearer, Mr. Brent, going about my special service, I thought it necessary to recommend him and his business to you. It is chiefly for a supply of powder, which, on my word, is of more consequence for my service, than is fit for me to tell you by writing. I shall say no more for this time; but that very shortly you shall have full power and instructions to make the Irish peace, by Brian O'Neile. So I rest,

Your most assured, constant, real friend,

*Bewdly, 13 June, 1644.*

CHARLES R.

THE KING TO THE MARQUESS OF ORMONDE, SENT BY SIR  
BRIAN O'NEIL.

ORMONDE,

I AM not ignorant how hard a part I put upon you in transferring to you the treaty, and the power to conclude peace with the Irish: nor would I have you ignorant of that necessity in the condition of my affairs here, which inforces me to it; and therefore I have commanded Digby to inform you more at large. I shall only say thus much to you, that I consider you as a person so entirely addicted to my service, as that you will not be deterred by difficulties from what may so much conduce to it, as the easing me at present of that treaty: wherein if I should do that here, which perhaps may be necessary there (even to the preservation of the kingdom), it might, through indisposition here, be of dangerous consequence to the main of my affairs. And I am very confident, that you will be secured from all apprehensions concerning yourself in the resolution to run the same fortune with me, which if it please God, that it prove good, you may promise yourself such a part in, as may be obtained by your having me for

Your most assured, constant friend,

*Bath, 17 July, 1644.*

CHARLES R.

THE KING TO THE MARQUESS OF ORMONDE, SENT BY THE  
EARL OF GLAMORGAN.

ORMONDE,

MY Lord Herbert having business of his own in Ireland (wherein I desire you to do him all lawful favour and furtherance), I have thought good to use the power I have, both in his affection and duty, to engage him in all possible ways, to further the peace there; which he hath promised to do. Wherefore (as you find occasion) you may confidently use and trust him in this, or any other thing he shall propound to you for my service; there being none, in whose honesty and zeal, to my person and crown, I have more confidence. So I rest,

Your most assured, constant friend,

*Oxford, 27 Dec. 1644.*

CHARLES R.

To this letter was added the following postscript in cypher:

His honesty or affection to my service will not deceive you; but I will not answer for his judgment.

## THE KING TO THE MARQUESS OF ORMONDE.

ORMONDE,

UPON the great rumours and expectations which are now of a peace, I think it necessary to tell you the true state of it, lest mistaken reports from hence might trouble my affairs there.

The rebels here have agreed to treat, and most assuredly one of the first and chiefest articles they will insist on, will be to continue the Irish war; which is a point not popular for me to break on; of which you are to make a double use; first, to hasten (with all possible diligence) the peace there; the timely conclusion of which, will take off that inconvenience, which otherwise I may be subject to, by the refusal of that article upon any other reason. Secondly, by dexterously conveying to the Irish the danger there may be of their total and perpetual exclusion from those favours I intend them, in case the rebels here clap up peace with me upon reasonable terms, and only exclude them; which possibly were not counsellable for me to refuse, if the Irish peace should be the only difference betwixt us, before it were perfected there. These, I hope, are sufficient grounds for you to persuade the Irish diligently to dispatch a peace upon reasonable terms, assuring them, that you having once engaged to them my word in the conclusion of a peace, all the earth shall not make me break it. But not doubting of a peace, I must again remember you to press the Irish for their speedy assistance to me here, and their friends in Scotland; my intention being to draw from thence into Wales (the peace once concluded) as many as I can of my armed Protestant subjects, and desire, that the Irish would send as great a body as they can to land about Cumberland; which will put those northern counties into a brave condition. Wherefore you must take speedy order to provide all the shipping you may, as well Dunkirk, as Irish, bottoms; and remember, that after March it will be most difficult to transport men from Ireland to England, the rebels being masters of the seas.

So expecting a diligent and particular account in answer to this letter, I rest,

Your most assured friend,

9th June, 1644.

CHARLES R.



## THE KING TO THE MARQUESS OF ORMONDE

ORMONDE,

I AM sorry to find by Colonel Barry the sad conditions of your particular fortune, for which I cannot find so good and speedy remedy as the peace of Ireland (it being likewise most necessary to redress my affairs here); wherefore I command you to dispatch it out of hand; for the doing of which, I hope my public dispatch will give you sufficient instruction and power, yet I have thought it necessary (for your more encouragement in this necessary work) to make this addition with my own hand.

As for Poyning's Act, I refer you to my other letter; and for matter of religion, though I have not found it fit to take public notice of the paper, which Browne gave you, yet I must command you to give him, the Lord Muskery and Plunket particular thanks for it, assuring them that without it there could have been no peace, and that sticking to it, their nation in general, and they in particular, shall have comfort in what they have done. And to shew, that this is more than words, I do hereby promise them (and command you to see it done) that the penal statutes against Roman Catholicks shall not be put in execution, the peace being made, and they remaining in their due obedience. And further, that when the Irish give me that assistance, which they have promised, for the suppressing of this rebellion, and I shall be restored to my rights, then will I consent to the repeal of them by a law.

But all those against appeals to Rome and Præmunire must stand. All this in cypher you must impart to none but those three already named, and that with injunction of strictest secrecy.

So again recommending to your care the speedy dispatch of the peace of Ireland, and my necessary supply from thence, as I wrote to you in my last private letter, I rest

Your most assured constant friend,

*Oxford, 18 Jan. 1644-5.*

CHARLES R.

In case, upon particular mens fancies, the Irish peace should not be procured upon the powers I have already given you, I have thought fit to give you this further order (which I hope will prove needless), to endeavour to renew the cessation for a year: for which you shall promise the Irish (if you can have it no cheaper) to join with them against the Scots and Iniquins; for I hope by that time, my condition may be such as the Irish may be glad to accept less, or I able to grant more.

## No XXXI.

[PAGE 128.]

**CHARLES** by the grace of God, King of England, Scotland, France, and Ireland, defender of the faith, &c. to our right trusty and right well-beloved cousin, Edward Somerset, alias Plantagenet, Lord Herbert, Baron Beauford of Caldicote, Grismond, Chepstow, Ragland, and Gower, Earl of Glamorgan, son and heir apparent of our intirely beloved cousin Henry Earl and Marquis of Worcester, greeting. Having had good and long experience of your prowess, prudence, and fidelity, do make choice, and by these nominate and appoint you, our right trusty and right well-beloved cousin, Edward Somerset, &c. to be our generalissimo of three armies, English, Irish, and foreign, and admiral of a fleet at sea, with power to recommend your lieutenant-general for our approbation, leaving all other officers to your own election and denomination, and accordingly to receive their commissions from you; willing and commanding them, and every of them, you to obey, as their general, and you to receive immediate orders from ourself only. And lest through distance of place we may be misinformed, we will and command you to reply unto us, if any of our orders should thwart or hinder any of your designs for our service. And there being necessary great sums of money to the carrying on so chargeable an employment, which we have not to furnish you withal; we do by these impower you to contract with any of our loving subjects of England, Ireland, and dominion of Wales, for wardships, customs, woods, or any our rights and prerogatives; we by these obliging ourselves, our heirs and successors, to confirm and make good the same accordingly. And for persons of generosity, for whom titles of honour are most desirable, we have intrusted you with several patents under our great seal of England, from a marquis to a baronet, which we give you full power and authority to date and dispose of, without knowing our further pleasure, so great is our trust and confidence in you, as that whatsoever you do contract for or promise, we will make good the same accordingly, from the date of this our commission forwards; which for the better satisfaction, we give you leave to give them, or any of them, copies thereof, attested under your hand and seal of arms. And for your own encouragement, and in token of our gratitude, we give and allow you henceforward such fees, titles, preheminences, and privileges, as do and may belong unto your place and command above mentioned, with a promise of our dear daughter Elizabeth to your son Plantagenet in marriage, with

three hundred thousand pounds in dower or portion, most part whereof we acknowledge spent and disbursed by your father and you in our service; and the title of Duke of Somerset to you and your heirs male for ever; and from henceforward to give the Garter to your arms, and at your pleasure to put on the George and blue ribbon. And for your greater honour, and in testimony of our reality, we have with our own hand affixed our great seal of England unto these our commission and letters, making them patents. Witness ourself at Oxford, the 1st day of April, in the 20th year of our reign, and the year of our Lord one thousand six hundred and forty-four.

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## No. XXXII.

[PAGE 128.]

CHARLES R.

WHEREAS we have had sufficient and ample testimony of your approved wisdom and fidelity, so great is the confidence we repose in you, as that whatsoever you shall perform, as warranted under our sign manual, pocket signet, or private mark, or even by word of mouth, without farther ceremony, we do in the word of a King and a Christian, promise to make good, to all intents and purposes, as effectually, as if your authority from us had been under the great seal of England, with this advantage, that we shall esteem ourselves the more obliged to you for your gallantry, in not standing upon such nice terms to do us service, which we shall, God willing, reward. And although you exceed what law can warrant, or any powers of ours reach unto, as not knowing what you have need of; yet it being for our service, we oblige ourself, not only to give you our pardon, but to maintain the same with all our might and power; and though either by accident, or by any other occasion, you shall deem it necessary to deposite any of our warrants, and so want them at your return, we faithfully promise to make them good at your return, and to supply any thing, wherein they shall be found defective, it not being convenient for us at this time to dispute upon them; for of what we have here set down you may rest confident, if there be faith and truth in men. Proceed therefore cheerfully, speedily, and boldly; and for your so doing, this shall be your sufficient warrant.

Given at our court at Oxford under our sign manual and private signet, this 12th of January, 1644.



## CHARLES R.

CHARLES by the grace of God, of England, Scotland, France, and Ireland, defender of the faith, &c. to our trusty and right well-beloved cousin, Edward Earl of Glamorgan, greeting. We reposing great and especial trust and confidence in your approved wisdom and fidelity, do by these (as firmly as under our great seal, to all intents and purposes) authorise and give you power, to treat and conclude with the confederate Roman Catholics in our kingdom of Ireland, if upon necessity any be to be condescended unto, wherein our lieutenant cannot so well be seen in, as not fit for us at present publicly to own. Therefore we charge you to proceed according to this our warrant, with all possible secrecy, and for whatsoever you shall engage yourself, upon such valuable considerations, as you in your judgment shall deem fit, we promise on the word of a King and a Christian, to ratify and perform the same, that shall be granted by you, and under your hand and seal; the said Confederate Catholics having by their supplies testified their zeal to our service. And this shall be in each particular to you a sufficient warrant. Given at our court at Oxford, under our signet and royal signature, the 12th of March, in the twentieth year of our reign, 1644.

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 No, XXXIII.

THE KING'S LETTER TO THE ARCHBISHOP OF FERMO....P. 129.

SIR,

HEARING of your resolution for Ireland, we do not doubt but that things will go well; and that the good intentions begun by means of the last Pope will be accomplished by the present, by your means, in our kingdom of Ireland and England, you joining with our dear cousin, the Earl of Glamorgan, with whom whatever you shall resolve, we shall think ourselves obliged to, and perform it at his return. His great merits oblige us to this confidence, which we repose in him above all, having known him above twenty years; during which time he has always signally advanced himself in our good esteem, and by all kinds of means carried the prize above all our subjects. This being joined to the consideration of his blood, you may well judge of the affection, which we have particularly for him, and that nothing shall be wanting on our

part, to perfect what he shall oblige himself to in our name, in consideration of the favours received by your means. Confide therefore in him; but in the mean while, according to the directions we have given him, how important it is, that the affair should be kept secret, there is no occasion to persuade you, nor to recommend it to you, since you see, that the necessity of the thing itself requires it. This is the first letter we have ever written immediately to any minister of state of the Pope, hoping, that it will not be the last; but that after the said earl and you shall have concerted your measures, we shall openly shew ourself, as we have assured him,

Your friend,

CHARLES R.

*From our Court at Oxford, 30th April, 1645.*

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EXTRACT OF A LETTER TO THE QUEEN, DATED THE 2d OF MARCH, 1645, FROM CARDINAL PAMPHILIO, DELIVERED TO HER MAJESTY AT PARIS, BY SIGNOR SPINOLA, IN WHICH HIS EMINENCE OBSERVED,

THAT he had been lately informed, how extremely desirous the king and queen of England were of a peace with the Irish, that they might have the assistance of that nation in the distressed situation of their affairs in England: that this was likewise the most ardent wish of his holiness and the nuncio now sent by him, of the royal party in England, Ireland, and Scotland, both orthodox and heterodox, of the queen regent of France, and of Cardinal Mazarin, the minister of state there: and that only the parliamentary rebels and the heretics, who adhered to them (for there was scarce any one Catholic, who did not espouse the royal cause) were full of dreadful apprehensions, lest the king should triumph by the assistance of the Catholics, especially the Irish; since those most profligate of all rebels since the creation being detested by and detesting the Irish, presaged nothing but their own absolute destruction from such an event.

## No. XXXIV.

LETTER OF THE MARQUESS OF ORMONDE TO THE LORD MUS-  
KERRY....PAGE 129.

MY LORD,

THOUGH I am perswaded, that the points, which you and the other deputies have agreed to in the presence of my Lord Glamorgan and myself, are still fresh in your memory: yet considering, that the weight and importance of a timely execution of the business, which you then were inclined to expedite, is now twice as great as it was before, on account as well of some incidents, which have lately happened in England, as of your own security, and observing, that in our meeting on this affair you expressed a desire, that I should act in concert with my lord Glamorgan; I think it necessary, that I should remind, and in this way acquaint your lordship with that, which I could not insist on in his lordship's presence, without offending his modesty, and incurring the imputation of flattery. What I have to say in short is this, that I know no subject in England, upon whose favour and authority with his majesty, and real and innate nobility you can better rely, than upon his lordship's; nor (if that has any weight with you) any person, whom I would more endeavour to serve in those things, which he shall undertake for the service of his majesty, or with whom I shall sooner agree for the benefit of this kingdom. I rest,

Your lordship's

Most affectionate servant and brother,

ORMONDE.

*Dublin, August 11, 1645.*

## No. XXXV.

THE PREAMBLE TO AND CONDITIONS OF THE SECRET TREATY  
OF THE CONFEDERATES CONCLUDED WITH THE EARL OF  
GLAMORGAN ON THE 25TH OF AUGUST, 1645-6....PAGE 129.

WHEREAS much time has been spent in meetings and debates, between his Excellency James Lord Marquis of Ormonde, lord lieutenant and general governor of his majesty's



kingdom of Ireland, commissioner to the king's most excellent majesty Charles, by the grace of God, king of Great Britain, France, and Ireland, &c. for the treating and concluding of a peace in the said kingdom with his majesty's humble and loyal subjects, the confederate and Roman Catholics of the said kingdom of Ireland, of the one part, and the Right Honourable Donogh Lord Viscount Muskerry, and others, commissioners deputed and authorised by the said confederate Roman Catholics subjects of the other part: and thereupon many difficulties did arise, by occasion whereof sundry matters of weight and consequence, necessarily requisite to be condescended unto by his majesty's said commissioner for the safety of the said confederate Roman Catholics, were not hitherto agreed upon; which retarded, and doth as yet retard, the conclusion of a firm peace and settlement in the said kingdom: and whereas the Right Honourable Edward Earl of Glamorgan is intrusted and authorised by his most excellent majesty, to grant and assure to the said confederate Catholic subjects further grace and favours, which the said lord lieutenant did not as yet in that latitude, as they expected, grant unto them; and the said earl having seriously considered of all means and due circumstances of the great affairs now in agitation, which is the peace and quiet of the said kingdom, and the importance thereof in order to his majesty's service, and in relation to a peace and settlement in his other kingdoms; and here, upon the place, having seen the ardent desire of the said Catholics to assist his majesty against all, that do or shall oppose his royal right or monarchic government, and having discerned the alacrity and cheerfulness of the said Catholics to embrace honourable conditions of peace, which may preserve their religion and other just interests: in pursuance therefore of his majesty's authority under his highness's signature royal and signet, bearing date at Oxon, the 12th of March, in the twentieth year of his majesty's reign, granted unto the said Earl of Glamorgan; the tenour whereof is as followeth, viz. Charles R. &c. [*ut supra.*]

By this treaty it was accorded and agreed between the said Earl of Glamorgan for and on behalf of his majesty, his heirs and successors on the one part, and Richard Lord Viscount Mountgarret, lord president of the supreme council of the confederate Catholics, Donogh Lord Viscount Muskerry, &c. commissioners appointed by the said confederate Roman Catholics, on the other part:

1st. That all the professors of the Roman Catholic religion in Ireland shall enjoy the free and public use and exercise of their religion.

2d. That they shall hold and enjoy all the churches by them enjoyed with that kingdom, or by them possessed at any time since the 23d of October, 1641, and all other churches in the said kingdom, other than such, as are now actually enjoyed by his majesty's Protestant subjects.

3d. That all Roman Catholics shall be exempted from the jurisdiction of the Protestant clergy; and that the Roman Catholic clergy shall not be punished or molested for the exercise of their jurisdiction over their respective Catholic flock.

4th. That the following act shall be passed in the next parliament to be holden in Ireland. [Here is inserted the form of an act for securing all the king's concessions to the Catholics.]

5th. That the Marquis of Ormonde, or any others, shall not disturb the professors of the Roman Catholic religion in possession of the articles above specified.

6th. The Earl of Glamorgan engages his majesty's word for the performance of those articles.

7th. That the public faith of the kingdom shall be engaged unto the said earl by the commissioners of the confederate Catholics, for sending ten thousand men by order and public declaration of the general assembly at Kilkenny, armed, the one half with muskets, and the other half with pikes, to serve his majesty in England, Wales, or Scotland, under the command of the said Earl of Glamorgan, as lord general of the said army; which army is to be kept together in one intire body; and all other the officers and commanders of the said army are to be named by the supreme council of the said confederate Catholics, or by such others, as the general assembly of the said confederate Catholics of Ireland shall intrust therewith.

The Irish commissioners engaged their word and faith of the supreme council of Kilkenny, that two thirds of the clergy's revenue should be employed for the space of three years towards the maintenance of the ten thousand men, the other third being reserved for the clergy's subsistence.

There was likewise an explanation of the article, concerning the clergy-livings; upon which the following instrument was made:

"Whereas in these articles touching the clergy-livings, the Right Honourable the Earl of Glamorgan is obliged in his majesty's behalf to secure the concessions in these articles by act of parliament: We holding that manner of securing those grants, as to the clergy-livings, to prove more difficult and prejudicial to his majesty than by doing thereof, and securing those concessions otherwise, as to the said livings, the said earl undertaking and promising in behalf of his majesty, his heirs and successors, as hereby he doth undertake to settle the said concessions, and secure them to the clergy

“ and their respective successors, in another secure way, other  
 “ than by parliament at present, till a fit opportunity be offered  
 “ for securing the same, do agree and condescend thereunto.  
 “ And this instrument by his lordship signed was, before the  
 “ perfecting thereof, intended to that purpose, as to the said  
 “ livings, to which purpose, we have mutually signed this en-  
 “ dorsement. And it is further intended, that the Catholic  
 “ Clergy shall not be interrupted by parliament, or otherwise,  
 “ as to the said livings, contrary to the meaning of these arti-  
 “ cles.”

The earl added also the following protestation or oath:  
 “ I Edward, Earl of Glamorgan, do protest and swear, faithfully  
 “ to acquaint the king’s most excellent majesty, with the pro-  
 “ ceedings of this kingdom, in order to his service, and to the  
 “ endearment of this nation, and punctual performance of what  
 “ I have (as authorized by his majesty) obliged myself to see  
 “ performed; and, in default, not to permit the army intrusted  
 “ to my charge to adventure itself, or any considerable part  
 “ thereof, until these conditions from his majesty and by his  
 “ majesty be performed. GLAMORGAN.”

But the general assembly at Kilkenny, being apprehensive, that the execution of this treaty of peace might meet with opposition from a Protestant Lord Lieutenant, made the following order, on the 28th of August, 1645, viz. “ The General Assembly order and declare, that their union and oath of association shall remain firm and inviolable, and in full strength, in all points, and to all purposes, untill the articles of the intended peace shall be ratified in parliament, notwithstanding any proclamation of the peace,” &c.

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## No. XXXVI.

LETTER FROM THE MARQUESS OF ORMONDE TO THE EARL  
 OF GLAMORGAN....PAGE 130 AND 141.

MY LORD,

I RECEIVE your gratulation and advices for my future security, as evident testimonys of your continued favour to mee, and am much joyed to finde, that the accidents fallen out concerning your lordship have not left any impression on you to the prejudice of the real affection you give me leave to bear you.



My lord, I had, according to my promise, given you a large account of things here, but that at the concluding of the articles wee found ourselves soe streightned in time, that many material partes of the agreement were faine to bee put in another way, than was first thought of; and at this instant I am soe pressed with important dispatches from Kilkenny, that I shall bee able but shortly and confusedly to give you a returne to the main parte of your lordship's of the third of this month, which came to my hands yesterday about noone.

Touching the noble and large offer you are pleased to make of shipping armes, ammunition, and traine of artillery for the king's service, in case you may receive assurances from those in power among the confederates and from me, that ten thousand men shall be ready against your returne to be transported to serve the king in England, I returne your lordship this answer, that I shall and by this letter doe cheerefully oblige myself for as much as shall be in my power, either in my publick or private capacity, to have that number of men in readiness you expect; and to compose it, am contented all the remainder of my fortune should stand engaged. If your lordship can procure as much as this from the other party, I conceive you will proceed in your intended voiage with satisfaction, and returne I hope with successe, which is earnestly wished by

Your lordship's

Most faithfull

And affectionate

And humble servant,

ORMONDE.

*Dub. Cast. the 6th of April, 1646,*

*To the Right Honourable my very good Lord  
the Earl of Glamorgan, att Waterford.*

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No. XXXVII.

[PAGE 130 AND 141.]

HERBERT,

YOUR's of the first of December has given me a just reason for your absence: but certainlie I have juster cause to requyre your attendance; for it is well known, how that you ar to give me account of matters, not onlie for my owen parti-

cular use, but lykewais for the good of the kingdome. Wherefor I requyre you repaire hither with all convenient diligence; and the reather, that you may the better fynde out the authors of those lying and scandlous pamphlets concerning your father and you; touching which I not onlie promise you protection to your innocencie, but justice against those offenders; asseuring you lykewise, that I shall be so myndful of you, that, if I live, you shall neither be a looser in, nor repent you for, the services you have done me. And so I rest

Your asseured friend,

CHARLES R.

*Whythall, the 11th of December, 1641.*

I send you herein the paper, that I could not fynde, when ye was last with me.

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HERBERT,

YOUR services ar expressed to me in so 'noble a way, that I cannot but acknowld it to you under my owen hand, and that I shall thinke myselfe very unhappie, if I did not live, by reall testimonies, to express my gratitud to you. For the blankes, I have sent them according to your desyre: and for your sister Carnarvan, though I cannot punctuallie answer your expectation therein, yet I hope you will be satisfied with the answer you will receive by your cousin Sir John Biron; to whom referring myself for manie things I have not tyme to write, I rest

Your most asseured friend,

CHARLES R.

*Royston, 6th March, 1641.*

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HERBERT,

I INTRUSTED your cousin Biron with the particular answers to your letter; reserving only to myselfe to assure you, that I esteeme your servises such, as my words cannot express them, but by shewing myselfe, at all occasions to be

Your most asseured constant friend,

CHARLES R.

*York, 9th May, 1642.*

*Hereford, 23d June, 1645.*

GLAMORGAN,

I AM glad to heare, that you ar gone to Ireland; and assure you, that as myselfe is no wais dishartened by our late misfortune, so neither this country: for I could not have expected more from them, than they have now freely undertaken, though I had come hither absolute victorious; which makes me hope well of the neighbouring sheeres. So that (by the grace of God) I hope shortly to recover my late losse with advantage, if such succours come to me from that kingdom, which I have reason to expect. But the circumstance of tyme is that of the greatest consequence; being that, which is now chiefliest and earnestliest recommended to you by

Your most asseured constant friend,

CHARLES R.

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GLAMORGAN,

I MUST clearly tell you, bothe you and I have been abused in this business; for you have beene drawn to consent to donditions much beyond your instructions, and your treaty hath beene divulged to all the world. If you had advysed with my lord lieutenant (as you promised me), all this had beene helped. But we must looke forward. Wherefore in a word, I have commanded as much favour to be shoven to you, as may possibly stand with my service or safty, and if you will yet trust my advyce, (which I have commanded Digby to give you freely) I will bring you so off, that you may be still usefull to me; and I shall be able to recompence you for your affection: if not I cannot tell what to say. But I will not doubt of your compliance in this; since it so highly concerns the good of all my crowns, my owen particular, and to make me have still means to shew myselfe

Your most asseured friend,

CHARLES R.

*Oxford 3d February, 1645.*

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HERBERT,

I AM confident, that this honnest trusty bearer will give you good satisfaction, why I have not in every thing done as you desyred, the want of confidence in you being so far



from being the cause thereof, that I am every day more and more confirmed in the trust, that I have of you. For believe me, it is not in the power of any to make you suffer in my opinion by ill offices. But of this, and diverse other things, I have given Sir John Winter so full instructions, that I will say no more, but that I am,

Your most assured friend,

CHARLES R.

*Oxford, 28th Feb. 1645.*

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GLAMORGAN,

I HAVE no tyme, nor do you expect, that I shall make unnecessary repetitions to you. Wherefore (referring to Digby for business) this is only to give you assurance of my constant friendship to you; which considering the general defection of common honesty, is in a sort requisite. Howbeit, I know you cannot bee confident of my making good all instructions and promises to you and the nuncio.

Your most assured friend,

CHARLES R.

*Oxford, 5th April, 1646.*

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HERBERT,

AS I doute not but you have too much courage to be dismayed or discouraged at the usage ye have had; so I assure you, that my estimation of you is nothing diminished by it, but rather begets in me a desyre of revenge and reparation to us bothe, (for in this I hould myselfe equally interested with you). Wherefor, not douting of your accustomed care and industry in my service, I assure you of the continuance of my favour and protection to you; and that in deeds more than words, I shall shew myself to bee

Your most assured constant friend,

CHARLES R.

*Oxford, 6th April, 1646.*

## No. XXXVIII.

THE STATE OF HIS MAJESTY'S AFFAIRS, AND THE CONDITION OF HIS FAITHFUL SUBJECTS IN THE KINGDOM OF IRELAND, 12TH APRIL, 1651....PAGE 142.

THAT the power and success of the rebels hath been such, as the whole nation is now in their possession, or subject to their contribution, except the province of Conaught, and the county of Clare, and his majesty's city of Limerick and town of Galway ; that the said province of Conaught and county of Clare, are for the most part waste, by the continuance of that heavy burthen the war has brought on them, and by incursions of the rebels. That the rebels having an over-mastering power in all parts of the kingdom, other than the said province of Conaught and county of Clare, many of his majesty's forces, that hitherto had their relief out of their quarters, have been forced for their safety to retire to the said province of Conaught and county of Clare, which together with the forces maintained there formerly, are become so burthensome to the people, as that they are thereby utterly impoverished. The nation being in this extremity, no considerable forces can be brought together to maintain even a defensive war against the rebels, much less an offensive ; and had not the river of Shannon been an interruption to the rebels incursions, since October or November last, till this present, it is very evident, that the rebels had e'er this, over-run the province of Conaught and county of Clare, and consequently would bring under their power the city of Limerick and town of Galway. The said city of Limerick and town of Galway, observing all other, his majesty's cities and towns of strength within the kingdom, to be lost ; and how, that there was no considerable army of his majesty's forces within the kingdom to relieve them, in case they were besieged, or any probability, for want of means, to bring any such army into a body ; have of a long time, out of the feeling sense they had of their own destruction, been inclined to treat for conditions with the rebels, before the danger might come nearer them, and before the said province of Conaught and county of Clare were over-mastered by the rebels power, as the rest of the kingdom was. This was not only the study and apprehension of the said towns, but was also the resolution of most others that could not humanly see how they might be otherwise preserved : and it was by very great en-

deavours and industry, that the general assembly held at Lough-reah, in January last, was with-held from treating for conditions with the rebels. Many of the officers of his Majesty's army, finding the sad condition the nation was reduced into, not able to keep any considerable forces in a body to oppose the rebels, did, from several parts of the kingdom, represent their sense, that it was absolutely necessary for the people's preservation, to treat with the rebels for conditions, seeing there was no power to resist them. The general desperation in all persons and places hitherto under his majesty's obedience, did so change the resolutions of the people, as they parted with nothing willingly to maintain the forces, each one looking after the ways of his particular subsistence ; and the city of Limerick and town of Galway, either for fear to insense the rebels the more, or to advantage themselves in such conditions, as should be had from the rebels, did not afford so ready and clear obedience to his majesty's authority as accustomed. His Highness the Duke of Lorrain's ambassador arriving here, and it being given out, that he came with offers of powerful assistance for the preservation of the Catholic religion, his majesty and subjects interest : the people took much comfort and encouragement thereby, hoping that the rebels power might be opposed ; and soon after did the said towns and all other places, yet in his majesty's obedience, seem more chearfully, than before, to assist his majesty's authority, in opposing the rebels, and to disavow and disclaim any treaty with the rebels, though formerly inclined, if not resolved. His excellency the lord deputy, understanding that some aids might be had for the present relief of his majesty's forces, did give audience to the said ambassador ; and though the letters he brought were not to the lord deputy, nor any having his majesty's authority ; yet he having publicly avowed, that his master knew not his majesty's authority was intrusted with any in this kingdom ; and that if he had known so much, he would have made his application by letter to him, with whom that authority was intrusted ; his lordship therefore authorized some of the prelates and commissioners of trust to treat with him ; and was content, that the prelates, nobility, and other persons of quality, then in or near Galway, and agents of the city of Limerick and town of Galway, might meet to consult of that affair ; and represent their sense thereupon to his excellency : who being accordingly called together, and consisting of very many of the prelates, nobility, and gentry, out of several parts of the kingdom ; at which meeting also the agents of the said city of Limerick and town of Galway were present, and several officers of the army ; who after a long and serious debate of the matter proposed by his highness's ambassador ; they weighing the unavoidable danger the nation was in



of falling into the rebels power ; and how the people, if not suddenly assisted, were much impoverished, as they would be utterly destroyed, or enforced to submit to the rebels ; and considering that his majesty was not in condition to relieve them, nor could application with safety be made unto him ; did therefore advise, and were of opinion, seeing his highness the Duke of Lorrain made it his care to preserve the Catholick religion and the people's interest, and to recover from the rebels what they possessed, that it was absolutely necessary to accept of his said highness's protection : but the said ambassador's propositions being such as his excellency the lord deputy could not assent unto, the said ambassador was induced (taking caution for the present supplies) to agree, that the treaty and conclusion for further supplies, and the proposals made in the Duke of Lorrain's behalf, might be put over to be determined by his highness, or such as he would depute, and such as now should be authorized by the lord deputy in his majesty's behalf. The present supplies had, do not much amend the condition of his majesty's affairs in this kingdom : and if ways may not be found to hasten very suddenly further and more considerable supplies, what is left of the whole, yet in his majesty's obedience, will soon be in the possession and power of the rebels, the season of the year being now such as the rebels may in many places on the Shannon make their incursions, and draw their forces into the said province of Conaught and county of Clare ; which they may the better effect, having not any forces considerable of his majesty's army, that might disturb them in the provinces of Munster, Leinster, or Ulster ; other than that the Lord Muskerry, with some party in the county of Kerry, and borders of the county of Cork, giveth considerable disturbance to the rebels designs in Leinster ; some small parties only that cannot regularly be maintained in a body, do, when opportunity is offered, perform service against weak or scattered parties of the rebels, but can attempt nothing against any considerable body of the rebels. And in Ulster, though his majesty's forces are numerous in foot, yet wanting horse, and many unprovided for arms and having no regular way of maintenance, they can attempt little to distract the rebels forces in that province ; that party of his majesty's forces in Ulster having lately, for want of horse, received a considerable loss upon a defeat near Fena ; and by that means also the said garrison of Fena (being a considerable place) was lost ; so that upon the whole matter, it is very evident how great the evils are, that will happen, if immediately great aids be not hastened to this nation, for this kingdom will, by the fore-flowing thereof, be entirely in the enemies power and possession, and the people universally enforced to submit unto them, by which the rebels will have the opportunity

to send from hence a great and considerable power, that may distract his majesty's expected success in England and Scotland, and be an occasion of the loss also of his majesty's entire interest in both his said other kingdoms.

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## No. XXXIX.

A COPY IN ENGLISH OF HIS MAJESTY'S LETTER TO HIS HIGHNESS THE DUKE OF LORRAIN, DATED THE 6TH OF FEBRUARY; RECEIVED THE 8TH OF AUGUST, 1652....PAGE 145.

COUSIN,

WE have lately seen a letter from the deputy of Ireland, directed to our lieutenant of that our kingdom, now attending our person, together with certain overtures made and proposed by some of our subjects, now at Brussels, to your highness, in order to the supply and relief of our said kingdom, and oppressed subjects there: with which propositions or articles we were not in the least degree made acquainted; nor was our dearest mother the queen, our dear brother the Duke of York, or our lieutenant of Ireland, informed thereof, till within these very few days, when the said articles were transmitted hither by our deputy of that our kingdom; albeit that they seem to be consented unto by these gentlemen at Brussels, about the beginning of July last. We have been likewise informed by the testimony of the Lord Taaffe, and by the message, which Father Dillon lately brought to us from your highness, with what affection and tenderness towards us your highness (according to your accustomed kindness and friendship to us) hath proceeded in this business; and that though the said articles were freely submitted, consented to, and signed so long since by those gentlemen on their part, and that your highness frankly undertook to perform any thing, that they had proposed to, and expected from you, yet that your highness would not accept any of that power, or exercise any of that jurisdiction within that our kingdom, which they had offered to you, nor so much as receive the said articles signed by them, or suffer them to remain in any other hands but their own, till your highness should receive our full approbation of all that had been offered: which was so

generous and princely a way of proceeding, that we must always acknowledge it, amongst those high obligations, which we have so frequently received from your highness.

We perceive that the Marquis of Clanricarde, our deputy there, (who as he is very solicitous for our service and concernment, so he is known to have always been as zealous for the Catholic religion, as any of our subjects of that nation, and must be presumed to know the affections and interests of that people, as well as any, whatsoever others pretend) hath by his late address to your highness (whereof we have seen a copy) presented to your highness his opinion of the matter of the said articles, and of the persons who contrived them, and of the impossibility of receiving the intended fruit of your highness's favour by those means; and therefore we shall say no more of either, having still the more reason to remember the honour and justice of your highness, in refusing to receive, without our consent, what others so frankly without our leave offered to give. Nor do we so severely interpret even those offers, but do believe that they proceeded rather from the smart, anguish, and despair those gentlemen felt, from the languishing and gasping condition of their miserable country, than from their want of affection and duty to us and our interest. It is very true, the miseries and calamities, which have almost overwhelmed the kingdom, can hardly be expressed, which in a short time, if some seasonable and very timely supply and assistance be not applied, to stop the success of our English rebels there, must probably be concluded in the utter extirpation of that nation, and the total rooting out the Catholic religion within that kingdom; to the free exercise whereof, many indulgencies, and large immunities and concessions, have been granted by us, even to the satisfaction of those, who are most zealous promoters of it.

As all these sufferings and afflictions of those our subjects, whatsoever they are, or may grow to be, cannot in the least degree be imputed to any fault or failing of our blessed father, or ourself; so we have left no means within our power unattempted to remedy the same, and are still most ready to use our utmost endeavours to procure any relief for them. But we must confess, that in this sad conjuncture of our affairs, which is enough known to the world, that work seems almost desperate, without some conjunction in Catholic princes, who for the preservation of that religion, and out of compassion to so distressed a nation, may administer some such succour as may prevent the immediate ruin of that people, and keep the rebels from an entire possession of that kingdom, until farther assistance may be applied to it. And how to procure any such conjunction, we know no way so good, or hopeful, as by the mediation and example of your highness; who, besides several other



testimonies of your great affection to us, have lately given a full evidence of your particular princely care of that people, by sending them such an ample supply and assistance, as hath hitherto (next under God) alone preserved them from being swallowed up by their and our enemies. And we are thereby especially encouraged, not only to desire your council, by what means or ways we ourselves may best endeavour the relief of our poor Catholic subjects of that kingdom; but that your highness, by sending those succours you intended, will continue your goodness and favour towards them to that degree, that they may be sustained in a condition to contend with their enemies, until by other Catholic assistance (for the procuring whereof nothing shall be left undone on our part) they may be enabled to make a farther impression upon the rebels, and to regain what they have lost. And for the better carrying on so good a work, and to induce your highness to so charitable and chargeable an enterprise, as we have already confirmed the agreement made between our deputy of that our kingdom, and the abbot of St. Catharine, your highness's minister employed thither: so we are, and will be most ready to consent to whatsoever shall be proposed to be done on our part, which is consistent with our kingly interest, and the obligations we stand bound in to all our good subjects. And your highness being especially inclined to this glorious undertaking, by your zeal to the Catholic religion, we do give our royal promise to your highness, to consent freely to whatsoever shall be necessary to the security of the same within that kingdom; and doubt not but we shall give all good Catholics all necessary satisfaction in that particular. And to that purpose, we shall appoint persons of unquestionable affection to that religion, and of interest and credit with that nation, to attend your highness on our behalf, and in our name to consent to what may promote this good design, as soon as we shall receive your highness's answer upon this our desire: not doubting but that if you should enter into a treaty with us (which we exceedingly desire, we shall give such content and satisfaction to your highness in whatsoever shall be proposed, that will give a full encouragement to you to enter upon so glorious an undertaking; I shall conclude, assuring you that I am,

Your most affectionate cousin,

*Paris, February the 6th, 1652.*

CHARLES R.

## No. XXXIX.\*

A LIST OF THE NOBILITY OF IRELAND IN 1683....PAGE 170.

PROTESTANT.	CATHOLIC.	PROTESTANT.	CATHOLIC.
<i>Duke of</i>	<i>Marquis of</i>	<i>Viscounts.</i>	
Ormond	Antrim	Grandison	Rathcoote
<i>Earls.</i>	<i>Earls.</i>	Wilmot	Bareford
Kildare	Clanrickarde	Loftus	Bronkart
Thomond	Castlehaven	Swords	Galmoy
Cork	West Meath	Kilmurry	Kingsland
Desmond	Fingall	Castleton	Gormanstown
Barrymore	Castlemayne	Chamworth	Mayo
Meath	Carlingford	Sligo	Killmastock
Ossory	Tyronne	Waterford	
Roscommon	Tyrconnel	Strangford	
Londonderry		Tuam	
Donnegal		Cashel	
Arran		Carelow	
Conaway		Cullen	
Carberry		Shannon	
Ardglass		Dromooore	
Ranelagh		Mazarine	
Cavan		Kells	
Inchiquin		Dungannon	
Clancarty		Fitzharding	
Orrery		Clare	
Mountrath		Charlemont	
Drogheda		Powers	
Waterford		Blessing Town	
Mount Alexander		Ross	
Down		Lisburne	
Longford			
PROTESTANT.	PROTESTANT.	PROTESTANT.	CATHOLIC.
<i>Barons.</i>	<i>Barons.</i>	<i>Barons.</i>	<i>Barons.</i>
Kinsale	Digbey	Killard	Athenry
Kerry	Lifford	Kingston	Cahir
Hoath	Herbert	Colooney	Baltimore
Mountjoy	Loughlin	Santry	Strabane
Foliot	Coleraine	Clawnally	Dunsany
Maynard	Leitrim	Altram	
Gorges	Donmore	Bishops 24	

## No. XL.

THE MARQUIS OF ORMOND TO THE KING....PAGE 149;

MAY IT PLEASE YOUR MAJESTY,

SOME of the conditions I was constrained to admit of, to procure a peace with this people, and the satisfaction I was forced to give the English party under the command of the Lord Inchiquin, to purchase their submission to it and conjunction with the Irish in your service, though they were the only means, by which it was possible to bring your affairs to the hopeful state, they were in before the defeat of Dublin; yet that and other misfortunes happening, those compliances and the restraints they left upon your majesty's authority, as they were in a great measure the most apparent causes of those misfortunes, so are those conditions to the Irish, the greatest grounds of despair that now appear to me of holding on the war here.

The conclusion of a second peace with Owen O'Neile and his party, which became absolutely necessary, on the defection of most of the English towns and forces in Munster, and by the arrival and success of Cromwell, though it have considerably assisted the preservation of the towns yet remaining, and seemed to be a probable means to unite this people, and remove the cause and support of and division amongst them; yet the clergy, who perhaps think their ambition and avarice are not sufficiently provided for and secured in the peace, and taking the Ulster party, (who have little justly to pretend to, and less in possession) to be those, upon whom they are most likely to prevail to cast behind them all consideration of loyalty to your majesty, or love to their country, when either shall come in competition with their interest, do make use of their power, which is great every where, but chiefly in the towns, to keep the Ulster party strong, and out of it to garrison all places of consideration, and in this they have the assistance of some of the commissioners, by whose consent, and not otherwise, forces are to be raised and maintained and towns garrisoned. If they can gain this point, either the towns must not be garrisoned at all, and then they are lost as soon as looked upon; or if they be, it will be with a sort of men, from whose success your majesty can expect no advantage, nor ever to be master of those places, whatever the event be, but by subduing them; and but that perhaps it will not suit with the rebels' interest to come to their condi-



tions. I doubt not but they might purchase any place that shall be thus secured, though it be made clear enough to the clergy and to the Ulster party, that in the insatiable desire of usurping all power into their hands, as it is most unjust, so it is most ruinous even to their own ends; since it must necessarily produce, first, a distrust in, and then a division of a great party from them; yet I do doubt, whether that will prevail to bring them to such moderation, as to make it much more desirable to have them than the rebels in possession of those towns.

*Reasons why it is better for the King's Service, and the Preservation of the Nation, that I immediately attend his Majesty, than stay here.*

1. The distrust wrought in the minds of the people by insinuations of some factious persons, rather countenanced than suppressed by most of the bishops, and fortified by the giving up of Cahir, Gowling, and other places, where men of near dependance upon and relation to me, were trusted, hath taken such deep root in them, that there is small hope, and now very little time or advantage to remove it; though the bishops here present should endeavour it never so really. By which means the king's authority will fall daily into more contempt, and will in a short time lose the remaining shew of respect, rather than obedience, that is yet paid unto it; and the people, believing themselves betrayed, will think it vain to be persuaded into action, which may render them incapable of conditions from the enemy; or if they be with much difficulty, perhaps with church-censures, gotten forth, it will be with despair not hope of success, whilst they suspect their leader of having made conditions for himself upon their ruin; or if not, that being an heretic he cannot prosper.... These distrusts, and the union of the nation (if any thing can do it) will the one be removed, and the other established by retiring; and it will be more for the king's service, that some opposition be made against the enemy, though without dependence upon his authority (which I doubt is at least held unfortunate) than that the people should be totally subjected to the rebels without resistance.

2. If the want of any diversion in England, and of any supply hither, shall make it impossible in human appearance to resist the undistracted force and design of the enemy, and that the towns and people observing this shall resolve or be forced to submit to conditions such as they can get, then shall I, and as many men of honour and loyalty as will adhere to me, be necessitated to condition also, or, (which is much better as to me) become a deserted small party, subject to the scorn of enemies of all kinds, and to the treachery of such, as may give us up for

their own indemnity, or some mean reward. Whereas if I be gone, it may be excusable, nay fit for the best-affected, in case of extremity, to condition for themselves; so their conditioning express not an absolute perpetual subjection to the rebels, but such temporary compliance as may preserve them in a state with honour to resume arms for his majesty, when they find a probable opportunity.

3. I find, that none of the Protestants, but such as are not in case to get off, or live elsewhere, will stay with us; and these will not be a number, that will be accounted a party. Now one of the greatest advantages my person was or could be of to this nation was, what my interest with the Protestants gave me, which, if I stay, when they are gone will be wholly lost; so as upon any change of the king's affairs for the better, it will not be in my power to save the best-affected, unless I keep myself with some esteem with them.

4. My presence at the transactions now in Holland may be of use to this kingdom, my staying here can be of little service. I am ready to leave his majesty's authority with any, that are fit to manage it.

5. I conceive the garrisoning of Limerick and Galway (without which it seems not possible or prudent for any man to manage the war here) is principally refused in distrust of me, and that when I am gone, they will be persuaded to receive garrisons, which, of what party of Irish soever it be, will tend more to the preservation of the nation, than to have none; though as to me in the present exercise of the king's authority, such men are like to be fixed upon, as I will not trust myself with, and others I believe I shall not persuade them to receive.

6. Those that would persuade me, that the people's belief in me is in some measure suitable to my desires to preserve them, do attribute whatever appears to the contrary to the power they suppose my Lord Inchiquin has with me; and the distaste is said to be so great and general against him, that whilst he is in power, or indeed upon the place, they will pretend dissatisfaction and despair of success. But I am not satisfied, that if he were removed, their distrust of me would be so too; and I think not fit (upon such uncertainties as are the measures we can take of this people's resolutions) to shew an indifference towards him, or a desire to separate from his interest, to whom I have some obligation, in reference to his seasonable active endeavours for the king's service, and his desire to co-operate with me in it out of a confidence in my friendship and honesty; so that for both of us to remove, I hope to be best for all interests. If he should go alone, it is possible some sharp expostulations, that have passed betwixt him and those intrusted by the nation, may

sharpen his relation of their carriage and intentions ; and if he stay, he will neither trust nor be trusted by them, and may think of some course for his safety, that may not suit with theirs.

7. My fortune being wholly lost, and with it my credit for money, by which I supported myself ever since I came into the kingdom, I shall presently fall into such wants as will render the king's authority contemptible ; if it were reasonable to hope that the little remainder could supply me.

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## No. XLI.

### DECLARATION OF THE ROMAN CATHOLICS....PAGE 149.

1st. IT is not and never was a doctrine or tenet of the Roman Catholic Church, that the pope or general councils have power to depose kings, or to absolve their subjects from their allegiance.

On the contrary, it is by no means lawful for subjects, to oppose or use violence against their king, or his established government, or to conspire with his enemies directly or indirectly against him or the state, under which they live, and by whom they are protected ; and any subject who should so transgress would become guilty of mortal and most heinous sin before God, any such act of dispensation or absolution notwithstanding.

2d. It is not and never was a doctrine or tenet of the Roman Catholic Church, that those of her communion may break faith with, murder, plunder, or defraud those of a different communion of religion.

On the contrary, such is abominable and damnable doctrine, equally repugnant to the law of nature, and to the law of God, which obliges us to observe fidelity, honesty, and charity, as strictly towards those of a different religion as towards those of our own.

3d. It is not and never was a doctrine or tenet of the Roman Catholic Church, that the pope has any direct or indirect authority or power over the temporal power and jurisdiction of princes.

On the contrary, if the pope should pretend to dispense with the allegiance of his majesty's subjects, or invade his dominions, we would deem such dispensation null and void, and all Catholic subjects if commanded or required, are bound in conscience to defend their king and country, at the hazard of their lives and fortunes.



4th. It is not and never was a doctrine or tenet of the Roman Catholic Church, that the pope or any power on earth can license man to take false oaths, to lie, forswear, or perjure themselves on any account whatsoever, or to massacre their neighbours, cheat, or injure them or their native country, on pretence of promoting the Catholic religion, or for any other purpose whatsoever.

On the contrary, such doctrine and tenets are condemned by our church as an unchristian, abominable, sinful and wicked ; and all pardons or dispensations alleged or pretended to be granted for any [such ends or purposes would be null and void adding sacrilege and blasphemy to the crimes above mentioned.

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## No. XLII.

BY THE LORD DEPUTY AND COUNCIL, A PROCLAMATION....

[PAGE 156.]

TYRCONNEL,

FORASMUCH as several persons in the province of Ulster, and town of Sligo, in this his majesty's kingdom, have entered into several associations, containing no less offence than high treason, and thereupon formed themselves into several parties, dividing and marshallling themselves into several regiments, troops, and companies, marching well armed up and down the country, to the great terror of the king's liege people, in manifest breach of the law and of the peace of this realm ; and having resolved within ourselves to prevent the effusion of blood as long as it was possible, by using all peaceable means to reduce the said malefactors to their obedience, have of late issued out a proclamation, setting forth the said disorders, requiring all the said parties to disperse and repair to their several habitations and callings, assuring every of them of his majesty's pardon and protection. And whereas, We see the said offenders, instead of complying with our said proclamation, still do persist in their wickedness, by continuing in actual rebellion, breaking of prisons, and discharging of prisoners secured by due course of law, for robberies, felonies, and other hainous crimes ; by seizing upon his majesty's arms and ammunition, imprisoning several of his majesty's army, disarming and

dismounting them : killing and murdering several of his majesty's subjects, pillaging and plundering the country, and daily committing several other acts of hostility ; and finding no other way to suppress the said rebellion, We the lord deputy have caused a party of his majesty's army, under the command of Lieutenant General Rich. Hamilton, to march into the province of Ulster, to reduce the rebels there by force of arms, the consequence whereof cannot but be very fatal to that country, and the inhabitants thereof, and will inevitably occasion the total ruine and destruction of that part of his majesty's kingdom.... The consideration whereof hath given us great disquiet and trouble of mind ; that a country well planted and inhabited, should now, by the insolency and traitorous wickedness of its own inhabitants, be brought to ruine and desolation, which we are still willing to prevent, if any spark of grace be yet remaining in the hearts of those conspirators : hereby declaring, notwithstanding the many affronts by them put upon his majesty's government, notwithstanding the several acts of hostility by them committed, that if they will now submit and become dutiful subjects, his majesty's mercy shall be extended to them, excepting the persons hereafter excepted ; and in order thereunto, We the lord deputy and council do strictly charge and command all such persons in arms in Ulster or the town of Sligo, forthwith to lay down their arms, and that the principal person among them now in the north, do forthwith repair to Lieutenant General Richard Hamilton, and deliver up to him their arms and serviceable horses, and to give him hostages as an assurance of their future loyalty and obedience to his majesty, and that all their adherents do deliver up their arms and serviceable horses to such person or persons, as he the said Lieutenant General Hamilton shall appoint to receive them. And We do also farther charge and command all the principal persons of other commotions and insurrections in Sligo, to repair forthwith either to Us the lord deputy, or to Colonel Mac Donald, at the Boyle, and deliver up their arms and serviceable horses, and to give hostages and security for their future peaceable deportment ; and their adherents to lay down their arms to be delivered up together with their serviceable horses to the said Colonel Mac Donald. We the lord deputy hereby giving safe conduct to such of them as will submit according to this our proclamation. And we do hereby farther declare, that such of the said persons as shall give obedience to these our commands, except the persons hereafter excepted, shall have his majesty's protection and pardon for all past offences relating to the said commotions and insurrections ; but in case they shall be so unhappy, as to persist in their wicked designs and treasonable practices, We the lord deputy do hereby command all his majesty's forces to fall upon

them wherever they meet them, and to treat them as rebels and traitors to his majesty; yet to the end the innocent may not suffer for the crimes of the nocent, and that the committal of inhumane acts may be prevented, We do hereby strictly charge and command his majesty's army now upon their march to the North, and all other his majesty's forces, that they, or either of them, do not presume to use any violence to women, children, aged or decrepid men, labourers, plow-men, tillers of the ground, or to any other, who in these commotions demean themselves inoffensively, without joining with the rebels, or aiding or assisting them in their traitorous actions and behaviour. But in regard to Hugh, Earl of Mount Alexander, John Lord Viscount Mazareen, Robert Lord Baron of Kingstone, Clotworthy Scheffington, Esq. son to the Lord Viscount Mazareen, Sir Robert Calvil, Sir Arthur Rawdon, Sir John Magil, John Hawkins, Robert Sanderson, and Francis Hamilton, son to Sir Charles Hamilton, who have been the principal actors in the said rebellion, and the persons who advised and fomented the same, and inveigled others to be involved therein; we think fit to except them out of this proclamation, as persons not deserving his majesty's favour.

Given at the council chamber of Dublin, March 7th, 1688.

A. Fytton.	C.	Will. Talbot
Granard		Thos. Newcomen
Limerick		Rich. Hamilton
Bellew		Fran. Plowden

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## No. XLIII.

MR. OSBURN'S LETTER TO MY LORD MASSEREEN....PAGE 157.

*Loughbrickland, March 9th, 1688.*

MY LORD,

ON the 6th instant I was introduced by my Lord Granard into my lord deputy's presence in the castle of Dublin. I have his pass to come and go through and back from Ulster; and though I have not his excellency's direct commission, yet I will assure you I am at least permitted by the lord deputy to acquaint the chief and others of those of the Ulster association, with his discourse to me, which was to the effect following: to wit,

First, That his excellency doth not delight in the blood and devastation of the said province; but, however, highly resents



their taking and continuing in arms; the affronts done by them to his majesty's government thereby, and by some indignities done to the late proclamation of clemency, issued and dated....

Secondly. Notwithstanding whereof, is willing to receive the same province into protection, provided they immediately deliver up his army, for his majesty's use, their arms and serviceable horse; and provided they deliver up to his excellency these three persons, viz. .... if they remain in the kingdom, and may be had.

Thirdly. And for farther manifestation of his design to prevent blood, is willing to grant safe conduct even to the said three persons, or any other of their party, to and from his excellency, and to and from Lieutenant General Hamilton, commander of part of his army hereafter mentioned, if they intend any peaceable and reasonable treaty: but withall, not upon the said account, or any other, to stop the march of the said part of his army, no, not for one hour; and if it shall appear in such treaty, that they took up arms merely for self-preservation, then he will pardon even the said three persons also; but is hopeless, that any such thing can be made appear, seeing that many of them have already accepted, and received commissions from the Prince of Orange, and display his colours in the field, as his excellency is credibly informed.

Fourthly. If these terms be not immediately agreed to, he will, with part of his army, fight them, which part he intends shall be at Newry on Monday, the 11th of this instant, which will from thence march to Belfast, and from thence to Colrain and Londonderry, as his excellency intends; and that the country Irish, not of the army, men, women, and boys, now all armed with half-pikes and bayonets, in the counties of Cavan, Monaghan, Tyrone, Londonderry, &c. will, upon the approach of the said part of the army, and of the British in the said counties; which force and violence of the rabble, his excellency saith he cannot restrain; and fears that it may be greater than in 1641. These are the heads of what I can offer to you from his excellency's own mouth; but I intend to be at Hillsborough to night, and there to stay for this night, where, if you think fit, I shall freely discourse with you all the particulars; whereof I hope, you will give immediate notice to all chiefly concerned in your country and neighbourhood, for gaining of time. I have sent this express, that your lordship may give advertisements by express, to all such as your lordship thinks convenient. I shall add no farther till I have the honour to see your lordship.

Your lordship's obedient servant,

ALEX. OSBORNE.

## No. XLIV.

THE NAMES OF THE LORDS AND COMMONS OF THE PARLIAMENT  
OF IRELAND, SITTING AT DUBLIN THE 7TH OF MAY, 1689,  
AND CONTINUED SITTING TILL THE 18TH OF JULY, AND  
THEN PROROGUED UNTIL THE 12TH OF NOVEMBER....PAGE  
158.

## THE LORDS.

Sir Alexander Fitter, Lord	Lord Bishop of Meath
Baron of Gosworth, Lord	Bishop of Ossory
Chancellor	Bishop of Cork
Earl of Westmeath	Bishop of Limericke
Earl of Barrymore	Lord Baron of Athenree
Earl of Clancarty	Baron of Kinsale
Earl of Tyrone	Baron of Enniskillen
Earl of Longford	Baron of Strabane
Earl of Granard	Baron of Cattleconnell
Earl of Limerick	Baron of Brittas
Lord Viscount Glanmalira	Baron of Dunbayne
Viscount Killmallock	Baron of Cahirr
Viscount Iveagh	Baron of Howth
Viscount Mountgarret	Baron of Dunsany
Viscount Dillon	Baron of Upper Ossory
Viscount Rosse	Lord Baron of Slane
Viscount Gallway	Chief Justice Nugent, Baron of
Sir Valentine Brown, Viscount	Riverstown, lately made
Kenmare, lately made	John Bourk, Baron of Bophin,
Justin M'Carthy, Viscount	lately made
Mont Cashel, lately made	Baron of Trinlestown.

## THE COMMONS.

<i>County of Catherlough.</i>	<i>County of Gallway.</i>
Dudly Bagnal, Esq.	Sir Ulick Bourk, Bart.
Henry Luttrell, Esq.	Sir Walter Blake, Bart.
<i>Borough of Callan.</i>	<i>Borough of Athenry.</i>
Walter Butler, Esq.	James Talbot, of Mount Tal-
Tady Meagher, Esq.	bot, Esq.
<i>Borough of Catherlough.</i>	Charles Daly, of Dunsandal,
Marcus Bagot, Esq.	Esq.
John Warren, Esq.	<i>Borough of Tuam.</i>
<i>Borough of Old Lughlin.</i>	James Lally, of Tullenedally
Darby Long, Esq.	William Bourk, of Carrewfraila
Daniel Doran	

- County of Kilkenny.*  
 James Grace, of Courstowne, Esq.  
 Robert Walsh, of Clonencassy, Esq.  
*Borough of Thomastown.*  
 Robert Grace the elder, Esq.  
 Robert Grace the younger, Esq.  
*Borough of Gowran.*  
 Richard Butler, Esq.  
 Walter Kelly, Doctor of Physic  
*Borough of Inistioge.*  
 Edward Fitzgerald, Esq.  
 James Fitzgerald, Esq.  
*Borough of Knocktopher.*  
 Harvey Morris, Esq.  
 Henry Meagh, Esq.  
*City of Kilkenny.*  
 John Rooth, Mayor of that City  
 James Bryan, Alderman  
*County of Cork.*  
 Justin M'Carthy, Esq.  
 Sir Richard Nagle, Knt.  
*Borough of Youghall.*  
 Thomas Uniack, Alderman  
 Edward Gough, Alderman  
*Borough of Kinsale.*  
 Andrew Murrough, Esq.  
 Miles de Coursey, Esq.  
*Borough of Baltimore.*  
 Daniel O'Donovan, Esq.  
 Jeremy Donavan, Esq.  
*Borough of Bandenbridge.*  
 Charles M'Carthy, of Ballen, Esq.  
 Daniel M'Carthy Reagh, Esq.  
*Borough of Cloghnokelty.*  
 Lieutenant Colloen Owen M'Carthy, Esq.  
 Daniel M'Fin M'Carthy, Esq.  
*Borough of Middletown.*  
 Dermond Long, Esq.  
 John Long, Esq.  
*Borough of Mayallow.*  
 John Barret, of Castlemore, Esq.
- David Nagle, of Carragowen, Esq.  
*Manor and Borough of Roth Cormuek.*  
 James Barry, Esq.  
 Edward Powell, Esq.  
*Manor of Doneraile.*  
 Daniel O'Donovane, Esq.  
 John Baggot, jun. of Bagots-town, Esq.  
*Borough of Charleville.*  
 John Bagot, sen. of Bagots-town, Esq.  
 John Power, of Killballane  
*County of Tipperary.*  
 Nicholas Purcel, of Longmore, Esq.  
 James Butler, of Granigebegg  
*City of Cashell.*  
 Denis Kerney, Alderman  
 James Hacket, Alderman  
*Borough of Clonmell.*  
 Nicholas White, Alderman  
 John Bray, Alderman  
*Borough of Fethard.*  
 Sir John Everard, Bart.  
 James Tabin, of Fethard, Esq.  
*City of Waterford.*  
 John Porter, Esq.  
 Nicholas Fitzgerald, Esq.  
*County of Kerry.*  
 Nicholas Brown, Esq.  
 Sir Thomas Crossby, Knt.  
*Borough of Trayley.*  
 Maurice Hussey, of Kerry, Esq.  
 John Brown, of Ardagh, Esq.  
*Borough of Dinglesducouche.*  
 Edward Rice Fitz James, of Ballineling, in the County of Limerick  
 John Hussey, of Culmullin, Esq.  
*Borough of Ardfert.*  
 Callonel Roger M'Ellyot  
 Cornelius M'Gillicuddy



*City of Limerick.*

Nicholas Arthur, Alderman

Thomas Harrold, Alderman

*Borough of Roscommon.*

John Dillon, Esq.

John Kelly, Esq.

*Borough of Boyle.*

Captain John King

Terrence M'Dermot, Alderman

*County of Meath.*

Sir William Talbot, Bart.

Sir Patrick Barnwall, Bart.

*Borough of Ratoath.*

John Hussey, Esq.

James Fitzgerrald, Esq.

*Borough of Trym.*

Captain Nicholas Cusacke

Walter Nangle, Esq.

*Borough of Navan.*

Christopher Cusack, of Corbally, Esq.

Christopher Cusack, of Ratholieran, Esq.

*Borough of Kells.*

Patrick Everard, Esq.

John Delamare, Esq.

*Borough of Athboy.*

John Trynder, Esq.

Robert Longfield, Esq.

*City of Cork.*

Sir James Cotter, Knt.

John Gallaway, Esq.

*County of Limerick.*

Sir John Fitzgerrald, Bart.

Gerrald Fitzgerrald, Knt. of the Glyn

*Borough of Kilmallock.*

Sir William Harley, Bart.

John Lacy, Esq.

*Borough of Askeaton.*

John Bourk, of Cahirmayhill, Esq.

Edward Rice, Esq.

*County of West Meath.*

The Hon. Colonel William Nugent

The Hon. Col. Henry Dillon  
*Borough and Manor of Mullengarr.*

Gerrald Dillon, Esq. Prime Serjeant

Edmond Nugent, of Carlans-  
towne*Borough of Athlone.*Edmond Malone, of Ballyna-  
bourne, Esq.Edmond Malone, of Jurispe-  
rit, Esq.*Borough of Keeggan.*Brian Geoghegan, of Donore,  
Esq.Charles Geoghegan, of Lyon-  
ane, Esq.*Queen's County.*

Sir Patrick Trant, Knt.

Edmond Morres, Esq.

*Borough of Marrybrough.*

Pierce Bryan, Esq.

Thady Fitzpatrick, Esq.

*Borough of Ballynekill.*

Sir Gregory Byrne, Bart.

Oliver Grace, Esq.

*Borough of Galloway.*

Oliver Martin, Esq.

John Kirwan, Esq.

*County of Cavan.*Phillip Reyley, of Aghnecre-  
sey, Esq.John Reyley, of Garriroback,  
Esq.*Borough of Cavan.*

Phillip Oge O'Reyley, Esq.

Hugh Reyley, of Lara, Esq.

*Borough of Bellturbet.*

Sir Edward Tyrrel, Bart.

Phillip Tuite, of Newcastle,  
Esq.*County of Waterford.*

John Power, Esq.

Matthew Hore, Esq.

*Borough of Dungarvan.*

John Hore, Esq.

Martin Hore, Esq.

*County of Sligo.*

Henry Crofton, Esq.

Oliver O'Gara, Esq.

*Borough of Sligo.*

Terrence Mac Donogh, Esq.

James French, Esq.

*County of Tyrone.*

Colonel Gourdon O'Neile

Lewis Doe, of Dungannon,  
Esq.*Borough of Dungannon.*

Arthur O'Neile, Esq.

Peter Donnelly, of Dungannon

*Borough of Strabane.*

Christopher Nugent, Esq.

Daniel Donelly, Gent.

*County of Clare.*

Daniel O'Bryan, Esq.

John Mac Namarra, of Grattagh, Esq.

*Borough of Ennis.*Florence Mac Namarra, of  
Dronodd, Esq.Theobald Butler, of Straghna-  
gohoone, Esq.*County of Leytrim.*

Edmond Reynells, Esq.

Triell Farrell, Esq.

*Borough of Jamestown.*

Alexander Macdonnel, Esq.

William Shanley, Esq.

*County of Ardmagh.*

Francis Strafford, Esq.

Constantine O'Neale, Esq.

*County of Antrim.*

Cormucke O'Neale

Randall Mac Donnell

*Borough of Belfast.*

Marcus Talbott

Daniel O'Neale

*County of Wexford.*Walker Butler, of Monsin,  
Esq.

Patrick Colclough, of Macbury

*Borough of Wexford.*

William Talbot, Esq.

Francis Rooth, merchant

*Borough of New Ross.*

Luke Dormer, Esq.

Richard Butler, Esq.

*Borough of Newbury.*Abraham Strange, of Tober-  
duffe, Esq.

Richard Doyle, of Kilorky

*Borough of Eniscorthy.*James Devereux, of Cargme-  
nan, Esq.

Arthur Waddington Portruff

*Borough of Taghmon.*

George Hore, of Polehore, Esq.

Walter Hore, of Harperstowne

*Borough of Bannow.*

Francis Plowden, Esq.\*

Dr. Alexius Stafford

*Borough of Cloghmine.*Edward Sherlock, of the city  
of Dublin, Esq.

\* It is to be remarked, that the only names, which appear not to be Irish in this list of the members are the two members for Bannow, and Mr. Luke Dormer, member for New Ross. All these three gentlemen were of English Catholic families: indeed there were supposed to have been only six Protestant members returned to that parliament. Most of the members were men of landed property, and probably were the fairest representation of the people of Ireland, that ever were sent to any parliament of that country. Mr. F. Plowden was a younger brother of the Plowdens of Plowden in Shropshire, and great great uncle to the author. He followed the fortunes of James, and acted as his treasurer at St. Germaine's, where after some years he married Mary, the daughter of the Hon. John Stafford Howard, who was the second son of William Viscount Stafford (beheaded in 1680) by Mary Stafford, the heiress of the noble family of that name, as well as to the ancient barony of Stafford, which was restored by Edward VI. to Henry Lord Stafford, the son of Edward Stafford, Duke of Buckingham, attainted and beheaded in 1520. Francis Plowden had issue by Mary his wife three children: Francis who died

- Nicholas White, of Rosse, Robert Russell, of Drynham,  
 merchant Esq.  
*Borough of Fetherd. Borough of Newcastle.*
- The Right Hon. Col. James Thomas Arthur, of Colgans-  
 Porter towne
- Captain Nicholas Stafford John Talbot, of Bellgard  
*County of Longford. City of Dublin.*
- Roger Farrell, Esq. Sir Michael Creagh, Knt. Lord  
 Robert Farrell, Esq. Mayor
- Borough of Lanisborough.* Terence Dermot, sen. Alder-  
 man
- Oliver Fitz Gerrald
- Roger Farrell *College of Dublin.*
- County of Mayo.* Sir John Meade, Knt.
- Gerrald Moore, Esq. Joseph Coghlan, Esq.
- Walter Bourke, Esq. *County of Wicklow.*
- Borough of Castlebarr.* Richard Butler, Esq.
- John Bremingham Portriffe William Talbot, Esq.
- Thomas Bourke, Esq. *Borough of Curis-Fort.*
- County of Downe.* Hugh Byrone, Esq.
- Murtogh Mac Gennis, of Green Pierce Archbold, Esq. upon  
 Castle, Esq. default of a process of P. A.,
- Ever Mac Gennis, of Castle Palewheele, Esq.
- William, Esq. *Borough of Wicklow.*
- Borough of Newry.* Francis Tool, Esq.
- Rowland White, Esq. Thomas Byrne, Esq.
- Rowland Savage, Esq. *Borough of Blessington.*
- Borough of Killileagh.* James Eustace, Esq.
- Barnard Mac Gennis, of Bally- Maurice Eustace, Gent.
- gorianbeg, Esq. *County of Kildare.*
- Toole O'Niel, of Drummekel- John Wogan, Esq.
- ly, Gent. George Aylmer, Esq.
- County of Dublin.* *Borough of Neas.*
- Simon Lutterell, of Lutterells- Walter Lord Dungan
- towne, Esq. Charles White, Esq.
- Patrick Sarsfield, of Lucan, *Borough of Athy.*
- Esq. William Fitz Gerrald, Esq.
- Borough of Swords.* William Archbold, Esq.
- Francis Barnwall, of Wood- *Borough of Harristowne.*
- scarke, in the county of James Nihell, Esq.
- Meath, Esq. Edmond Fitz Gerrald, Esq.

unmarried at Paris in 1788; Louisa, who died unmarried at Paris in 1784; and Mary, who married Sir George Jerningham, of Cossey, in the county of Norfolk, Bart. whose eldest son the present Sir William Jerningham, if he survive Lady Stafford, a maiden lady of very advanced age, now living at Paris, the last surviving daughter of William late Earl of Stafford, who died in 1734, will become sole heir to the barony of Stafford. The late Lady Jerningham was a singular instance of having lived to see six generations of her own family.



*Borough of Kildare.*

Francis Leigh, Esq.

Robert Porter, Esq.

*King's County.*

Hewer Oxburgh, Esq.

Owen Carrol, Esq.

*Borough of Phillipstowne.*

John Connor, Esq.

Hewer Oxburgh, Esq.

*Borough of Bannagher.*

Terence Coghlan, Esq.

Terence Coghlan, Gent.

*Borough of Drogheda.*

Henry Dowdal, Esq. Recorder

Christopher Peppard Fitz

George, Alderman

*County of Lowth.*

Thomas Bellew, Esq.

William Talbot, Esq.

*Borough of Atherdee.*

Hugh Gernon, Esq.

John Babe, Esq.

*Borough of Dundalk.*

Robert Dermot, Esq.

John Dowdgall, Esq.

*Borough of Carlingford.*

Christopher Peppard Fitz Ignatius, Esq.

Bryan Dermot, Esq.

*County of Roscommon.*

Charles Kelly, Esq.

John Bourke, Esq.

*Borough of Fowre, in Commitat.**West Meath.*

John Nugent, of Donore, Esq.

Christopher Nugent, of Dardystowne

*Borough of St. Johnston, in**Commit. Longford.*

Sir William Ellis, Knt.

Lieutenant Colonel James Nugent

*Borough of Portarlington, in**Queen's County.*

Sir Henry Bond, Bart.

Sir Thomas Hacket, Knt.

*Monaghan.*

Bryan Mac Mahon, Esq.

Hugh Mac Mahon, Esq.

*Gowran.*

Colonel Robert Fielding, instead of Richard Butler, Esq.

The commons chose Sir Richard Nagle their speaker, and Mr. John Kernly was clerk of that house.

KING JAMES'S SPEECH TO BOTH HOUSES OF PARLIAMENT IN IRELAND, PUBLISHED BY HIS MAJESTY'S ORDER, MAY 10th, 1689.

MY LORDS AND GENTLEMEN,

THE exemplary loyalty, which this nation exprest to me, at a time when others of my subjects so undutifully behaved themselves to me, or so basely betrayed me; and your seconding my deputy as you did, in his bold and resolute asserting my right, and preserving this kingdom for me, and putting it in a posture of defence, made me resolve to come to you, and to venture my life with you, in the defence of your liberty, and my right; and to my great satisfaction I have not only found you ready and willing to serve me, but that your

courage has equalled your zeal. I have always been for liberty of conscience, and against invading any man's property; having still in my mind the saying of holy writ, Do as you would be done by; for that is the law and the prophets. It was this liberty of conscience I gave, which my enemies both abroad and at home dreaded, especially when they saw, that I was resolved to have it established by law in all my dominions, and made them set themselves up against me, though for different reasons; seeing that if I had once settled it, my people in the opinion of the one would have been too happy, and in the opinion of the other too great. This argument was made use of to persuade their own people to join with them, and too many of my own subjects to use me as they have done; but nothing shall ever persuade me to change my mind as to that: and wheresoever I am master, I design, God willing, to establish it by law, and to have no other test or distinction, but that of loyalty. I expect your concurrence in so Christian a work, and in making effectual laws against profanings and debauchery. I shall also most readily consent to the making such good and wholesome laws, as may be for the general good of the nation, the improvement of trade, and the relieving such as have been injured by the late acts of settlement, as far forth as may be consistent with reason, justice, and the public good of my people. And as I shall do my part to make you happy and rich, so I make no doubt of your assistance, by enabling me to oppose the unjust designs of my enemies, and to make this nation flourish. And to encourage you the more to it, you know with how great generosity and kindness the most Christian king gave a secure retreat to the queen, my son, and self, when we were forced out of England, and came to seek protection and safety in his dominions; how he embraced my interest, and gave such supplies of all sorts, as enabled me to come to you, which without his obliging assistance I could not have done: this he did at a time, when he had so many and so considerable enemies to deal with: and you see still continues to do. I shall conclude as I began, and assure you, I am as sensible as you can desire me, of the signal loyalty you have exprest to me, and shall make it my chief study, as it always has been, to make you and all my subjects happy.

## THE PARLIAMENT OF IRELAND'S ADDRESS TO THE KING.

MOST GRACIOUS SOVEREIGN,

WE your majesty's most dutiful and loyal subjects, the lords spiritual and temporal, and commons in parliament assembled, being highly sensible of the great honour and happiness we enjoy by your royal presence amongst us, do most humbly and heartily thank your sacred majesty for vouchsafing to come into this kingdom of Ireland; and for your grace and goodness to your subjects in calling this parliament, and for your majesty's tender and princely affection expressed to all your loving subjects, in your majesty's gracious speech at the opening of this session, which we most humbly beseech your majesty may be forthwith printed and published. And we further crave leave humbly to represent to your majesty, our abhorrence and detestation of the late treasons and defections of many of your majesty's subjects in this and your other kingdom; and the unnatural usurpation of the Prince of Orange, against the laws of God and man; professing with our voice, tongue, and heart, that we will ever be ready to assert and vindicate your majesty's rights to your imperial crown with our lives and fortunes against the said usurper and his adherents, and all other rebels and traitors whatsoever.

Ordered the 10th of May, 1689, by the Lords Spiritual and Temporal, and Commons in parliament assembled, that this address be printed.

B. POLEWHELE, DEP. CL. PARL.

THE SEVERAL BILLS THAT PASSED BOTH HOUSES OF PARLIAMENT IN THE SESSION BEGUN AT DUBLIN, THE 7TH OF MAY, 1689, TO WHICH THE LATE KING ASSENTED, ARE AS FOLLOWS.

1. An act of recognition.
2. An act for annulling and making void all patents of officers for life or during good behaviour.
3. An act declaring that the parliament of England cannot bind Ireland, and against writs of error, and appeals to be brought for removing judgments, decrees, and sentences in Ireland into England.



4. An act for repealing the acts of settlement and explanation, resolution of the doubts and all grants, patents and certificates, pursuant to them, or any of them.

5. An act for punishing of persons who bring in counterfeit coin of foreign realms, being current in this realm, or counterfeit the same within this realm, or wash, clip, file or lighten the same.

6. An act for taking off all incapacities of the natives of this kingdom.

7. An act for taking away the benefits of the clergy in certain cases of felony in this kingdom for two years.

8. An act to continue two acts made to prevent delays in execution; and to prevent arrests of judgment and superseding executions.

9. An act for repealing a statute, intituled, An act for provisions of ministers in cities and corporate towns. And for making the church of St. Andrew's, in the suburbs of the city of Dublin, presentative for ever.

10. An act of supply for his majesty for the support of his army.

11. An act for repealing the act for keeping and celebrating the 23d of October, as an anniversary thanksgiving in this kingdom.

12. An act for liberty of conscience, and repealing such acts or clauses in any act of parliament, which are inconsistent with the same.

13. An act concerning tythes, and other ecclesiastical duties.

14. An act for regulating tythes, and other ecclesiastical duties in the province of Ulster.

15. An act concerning appropriate tythes, and other duties payable to ecclesiastical dignitaries.

16. An act for repealing the act for real union and division of parishes, and concerning churches, free schools and exchanges.

17. An act for relief and release of poor distressed prisoners for debts.

18. An act for repealing an act, intituled, An Act for confirmation of letter patents, granted to his Grace James Duke of Ormond.

19. An act for encouragement of strangers and others to inhabit and plant in the kingdom of Ireland.

20. An act for prevention of frauds and perjuries.

21. An act prohibiting the importation of English, Scotch, or Welsh coals into this kingdom.

22. An act for ratifying and confirming deeds and settlements, and last wills and testaments of persons out of possession.

23. An act for the speedy recovering servants wages.

24. An act for vesting in his majesty the goods of absentees.
25. An act concerning martial law.
26. An act for punishment of waste committed on lands, restorable to old proprietors.
27. An act to enable his majesty to regulate the duties of foreign commodities.
28. An act for the better settling intestates estates.
29. An act for advance and improvement of trade, and for the encouragement and increase of shipping and navigation.
30. An act for the attainder of divers rebels, and for the preserving the interest of loyal subjects.
31. An act for granting and confirming unto the Duke of Tyrconnel, lands and tenements to the value of 15,000*l.* per annum.
32. An act for securing the water-course for the castle and city of Dublin.
33. An act for relieving Dame Anna Yolanda, Sarracourt, alias Duval and her daughter.
34. An act for securing iron-works and land thereunto belonging, on Sir Henry Waddington, Knight, at certain rates.
35. An act for the reversal of the attainder of William Ryan, of Bally Ryan, in the county of Tipperary, Esq. and for restoring him to his blood, corrupted by the said attainder.

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THE PREAMBLE TO THE ACT OF REPEAL OF THE ACTS OF  
SETTLEMENTS AND EXPLANATION, &c. AS IT PASSED THE  
HOUSE OF COMMONS.

WHEREAS the ambition and avarice of the lords justices ruling over this your kingdom, in 1641, did engage them to gather a malignant party and cabal of the then privy council, contrary to their sworn faith and natural allegiance, in a secret intelligence and traitorous combination, with the Puritan sectaries in the realm of Great Britain, against their lawful and undoubted sovereign, his peace, crown and dignity, the malice of which made it soon manifest in the nature and tendency of their proceedings, their untimely prorogations of a loyal unanimous parliament, and thereby making void, and disappointing the effects of many seasonable votes, bills and addresses, which passed into law, had certainly secured the peace and tranquillity of this kingdom, by binding to his majestie, the hearts of his Irish subjects; as well by the tyes of affection and gratitude, as

duty and allegiance there. The said lords justices traiterously disbanding his majestie's well assured Catholic forces, when his person and monarchy were exposed to the said rebel sectaries, then marching in hostile armes to despoil him of his power, dominion and life ; their immediate calling into the place and stead of those, his majesty's faithful disbanded forces, a formidable body of disciplined troops, allyed and confederated in cause, nation, and principles with those rebel sectaries ; their unwarrantable entertainment of those troops in this kingdom, to the draining of his majesty's treasury, and terror of his Catholic subjects, then openly menaced by them the aforesaid lords justices with a massacre and total extirpation ; their bloody prosecution of that menace, in the slaughter of many innocent persons, thereby affrighting and compelling others in despair of protection from their government, to unite and take arms for their necessary defence, and preservation of their lives ; their unpardonable prevarication from his majestie's orders to them, in retrenching the time by him graciously given to his subjects so compelled into arms, of returning to their duty ; and stinting the general pardon to such only as had no freehold estates to make forfeitures of ; their pernicious arts in waylaying, exchanging, and wickedly depriving all intercourse by letters, expresses, and other communication and privity, betwixt your said royal father and his much abused people ; their insolent and barbarous application of racks and other engines of torture to Sir John Read, his then majestie's sworn menial servant, and that upon their own conscious suspicions of his being intrusted with the too just complaints of the persecuted Catholics aforesaid. Their diabolical malice and craft, in essaying by promises and threats, to draw from him, the said Read, in his torments, a false and impious accusation of his master and sovereign, as being the author and promoter of the then commotion, so manifestly procured, and by themselves industriously spread.

And whereas a late eminent minister of state, for parallel causes and ends, pursuing the steps of the aforesaid lords justices, hath by his interest and power, cherished and supported a fanatical republican party, which heretofore opposed, put to flight, and chased out of this your kingdom of Ireland, the royal authority lodged in his person, and to transfer the calamitous consequences of his fatal conduct from himself upon your trusty Roman Catholick subjects, to the breach of publick faith solemnly given and proclaimed in the name of our late sovereign, interposed betwixt them and his late majestie's general indulgence and pardon, and wrought their exclusion from that indemnity in their estates, which by the publick faith is specially provided for, and since hath been extended to the most



bloody and execrable traitors, few only excepted by name in all your realms and dominions. And further, to preclude from all relief, and even access of admittance to justice, your said Irish Catholick people, and to secure to himself and his posterity, his vast share of their spoils, he the said eminent minister, did, against your sacred brother's royal promise and sanction aforesaid, advise and persuade his late majesty to give, and accordingly obtained his royal assent to two several acts. The one intituled, *An Act for the better Execution of his Majestie's gracious Declaration for the Settlement of this Kingdom of Ireland, and Satisfaction of the several Interests of Adventurers, Soldiers, and other his Majestie's Subjects there.* Which act was so past at a parliament held in this kingdom, in the fourteenth and fifteenth years of his reign : and the other, an act intituled, "An Act of Explanation, &c." Which act was passed in a sessions of the said parliament held in this kingdom, in the seventeenth and eighteenth years of his reign, most of the members thereof being such, as forcibly possessed themselves of the estates of your Catholick subjects in this kingdom, and were convened together for the sole special purpose of creating and granting to themselves and their heirs, the estates and inheritance of this your kingdom of Ireland, upon a scandalous, false hypothesis, imputing the traiterous design of some desperate, indigent persons, to seize your majestie's castle of Dublin, on the 23d of October, 1641, to an universal conspiracy of your Catholic subjects, and applying the estates and persons thereby presumed to have forfeited to the use and benefit of that regicide army, which brought that kingdom from its due subjection and obedience to his majestie, under the peak and tyranny of a bloody usurper ! An act unnatural, or rather viperously destroying his late majestie's gracious declaration, from whence it had birth, and its clauses, restrictions and uses, inverting the very fundamental laws, as well of your majestie's as all other christian governments. An act limiting and confining the administration of justice to a certain term or period of time, and confirming the patrimony of innocents unheard, to the most exquisite traytors, that now stand convict on record ; the assigns and trustees, even of the then deceased Oliver Cromwell himself, for whose arrears, as General of the regicide army, special provision is made at the suit of his pensioners. Now in regard the acts above mentioned do, in a florid and specious preamble, contrary to the known truth in fact, comprehend all your majestie's Roman Catholick subjects of Ireland, in the guilt of those few indigent persons aforesaid, and on that supposition alone, by the clause immediately subsequent to that preamble, vest all their estates in his late majestie, as a royal trustee, to the principal use of those, who deposed and murdered your

royal father, and their lawful sovereign. And further-more, to the ends that the articles and conditions granted in the year 1648, by authority from your majestie's royal brother, then lodged in the Marquess of Ormond, may be duly fulfilled and made good to your majestie's present Irish Catholic subjects, in all their parts and intentions, and that the several properties and estates in this kingdom may be settled in their ancient foundations, as they were on the 21st of October, 1641 : And that all persons may acquiesce and rejoyce under an impartial distribution of justice, and sit peaceably down under his own vine or patrimony, to the abolishing all distinction of parties, countries and religions, and settling a perpetual union and concord of duty, affection, and loyalty to your majestie's person and government : in the hearts of your subjects be it enacted, &c.

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## No XLV.

DOCTOR GORGE, SECRETARY TO GENERAL SCHOMBERG IN IRELAND, HIS LETTER TO COLLONEL JAMES HAMILTON, IN LONDON, TO BE COMMUNICATED TO THE LADY VISCOUNTESS RANELAGH, THE LORD MASSAREEN, AND OTHERS.

[PAGE 158.]

HONORED SIR,

THE fire, saith the royal prophet, kindled in my breast, and I spoke with my tongue : perhaps some sparks of that fire so enflamed my zeal to the public good of this country, that I have not onely spoke with my tongue, but wrote with my pen those truths which I know have redounded more to my particular prejudice, than to the public service. He that follows truth too near, saith a wise man ; may lose his teeth ; and a wiser than he tells us, that he who professeth some truths, may thereby lose his life ; yet in the same period tells us, that he shall be no loser thereby ; the satisfaction and contentment which constantly attends integrity, being much sweeter than the advantage of temporal security. *Liberavi animam meam*, and if this make me vile, I am content to be more vile : I know God hath put enmity between the seed of the woman, and the seed of the serpent ; and I as well know, that it is as vain for man's prudence to attempt to unite what God hath divided, as it is sinful to divide what he hath united. I speak not a little to my

satisfaction, what you know to be true, that our adversaries who are more God's than ours, want neither power nor malice to crush us ; such is the goodness of God, that they dare not own their hatred ; but are content not only to make me fall from my present station, soft and easie, but are willing to make my remove an advantage to me, little thinking, that taking me off from being secretary to the general, and making me secretary of state, necessitates one of my principles to be the more prejudicial to theirs : you know that notwithstanding all their public and private opposition, they are come up to many of our principles, and we still continue our distance to theirs, which for the better memory I shall enumerate in the following method, the better to obtain your belief in other particulars, which I shall here subjoin.

You know that I ever asserted, that those principles and practices which God blessed with success in the former Irish war, were most like to have the same success in this, which I told you were as followeth :

1. Though the Irish Papists had then, as appears by the excellent preface to the act of settlement, made that rebellion the most horrid and universal, as ever befel this kingdom ; and that nothing but the final extirpation of the British persons, laws, religion, and government was designed and endeavoured by that war ; yet the then English government thought not fit to tread in their steps, but still declined making the war either national or religious, and did declare, and, as you know, made their declaration good at the end of the war, that those of the Irish Papists as could prove their constant good affection to the English interest, as many then did, were as secure in their properties, as any of the British nation or religion ; and by this means so divided their interest, that Sir Charles Coote's northern army was most of it composed of Irish Papists, who fought faithfully and successfully against their countrymen, and many yet living know faithfully the white knight of Kerry and others as eminent as he served General Cromwell.

2. By publick proclamation in those times, they protected Papists as well as Protestants, who would live peaceably under their government, from any violence to be done them by the soldiers, two private soldiers being publicly executed in the face of the whole army, for stealing two hens from an Irishman not worth sixpence, for violating the proclamation, the first day General Cromwell made his advance from Dublin towards Droghedaagh.

3. They forbid, under the like penalty of death without mercy, any contempt or violation of the lord general's public orders and proclamations.

4. They prohibited all free quartering on the countrey, or any soldiers quartering without billets from the constable, and would not suffer any soldier to quarter himself.



5. They likewise under severe penalties forbid private soldiers straggling from their colours without passes, and ordered both civil and military magistrates to apprehend such stragglers, to send them to their colours, then to be punished according to their respective merits.

6. They gave great encouragement to Papists as well as Protestants, who would give hostages for their fidelity, and join with them.

7. They severely punished all open debauchery and impiety, and would frequently affirm, that good conduct was more usually blessed with success than courage of armies.

8. Though they protected, as aforesaid, Papists as well as Protestants, from the soldier's violence, yet they left both to be fined, imprisoned or sequestered by the civil magistrates, according to their respective merits.

9. Both officers and soldiers were required to be aiding and assisting to put in execution all orders or directions of the civil magistrate, especially such as referred to the well management of the public revenue.

10. They laboured all they could to lessen the charge of England, and to encrease the public revenue of Ireland.

11. On assurance of punctual performance, they contented themselves with four days pay in a week, and placed the other three days, to be paid out of forfeited lands.

Lastly. By this abatement of their pay, and leaving rebels' goods, stock, and lands, and the public revenue to be improved by the civil magistrate, and making the soldiers duly pay for their quarters, they soon raised in this kingdom a revenue, which bore a moiety of the charge of the war.

I might enumerate many other particulars, which having been the subject matter of my discourse with yourself, and some late letters I have wrote to Major Wildman, I intentionally decline. You know how often and how early we pressed the necessity of restoring a civil government in this province, and how often and openly we declared that the ruine of the countrey must be the prejudice, and endanger the ruine of the army; and that there could be found no hands so cheap and easy to be got, or any that would be more hearty and faithful than the Protestants of this countrey, who having their particular interests seconded by natural and religious motives must be more zealous in carrying on this war, than any foreign or mercenary soldiers, as is evident by what has been done by the Londonderry and Eneskillen soldiers, who are and were made up of the meanest and lowest people of this and the neighbouring provinces. You cannot forget who offered, and that at their own charge on our first landing here, to block up Charlemont, and to raise regiments to secure the northern garrisons, that the established army might have the more leisure to attend the motions of the

public enemy ; and I presume you cannot but as well remember, who ridiculed, scorned, and contemned all motions of that kind, and who affirmed, and that openly, that the Protestants of this province, ought rather to be treated as enemies than friends, and that the best of them had either basely complied with King James and his party, or cowardly left and deserted their countrey, that the goods and stocks of the Protestant inhabitants, once seized by the enemy, were forfeited, and ought not to be restored, but given as encouragement to the soldiers ; that all Papists ought to be plundered, and none protected ; that the restoration of civil government was a diminution of the power of the general and the army, and that all the Protestants, inhabitants of this province, were false to the present government, and ought not to be trusted with places of trust or power, that as their persons were not to be trusted, so their oaths and complaints were neither to be believed nor redressed ; that so an easier and a safer approach might be made to invade the little left them by the Irish.

That all endeavours of the settlement of a public revenue were desigas to oppress the army ; that free quartering was the least retaliation that the Protestants could give for being restored to their former estates ; that religion is but canting, and debauchery the necessary character of soldiers. If to these you add the pressing of horses at pleasure, quartering at pleasure, robbing and plundering at pleasure, denying the people bread or seed of their own corn, though the general by his publick proclamation requires both, and some openly and publickly contemning and scorning the said proclamation ; whereby multitudes of families are already reduced to want of bread, and left only to beg, or steal, or starve. These being the practices, and these the principles, and both as well known to you as to me, can it be wondered that the oppressed Protestants here should report us worse than the Irish, or can it be wondered that God should pursue us with his dreadful judgments who have so provoked him with our daring sins ? Or can we rationally expect God should fight for us, while we thus fight against him ? We may as well expect grapes from thorns, and figs from thistles, as success to a Protestant cause from such hands. Can we expect Sodom to destroy Babylon, or Debauchery to destroy Popery ? Our enemie fights with the principle of a mistaken conscience against us, we against the conviction of our own principles against them. What I have learned of the enemie's principles and practices since I left you, I shall here inform you, and reduce what I have to say to these two general heads :

I. The frequent discourse of their king.

II. His public declarations and proclamations for the well government of his army.

I. As to his private discourse.

1. He expresseth great zeal and passionate affection to his English subjects, in so much that both French and Irish often say of him, as he did of King David, that he loves his enemies and hates his friends.

2. He is heard often to desire his officers, that in their engagement with the English, they should be treated as mistaken subjects, and not as obstinate rebels.

3. He is heard often to declare, that since he rightly understood Christianity, he ever asserted Christian liberty, as well in his past prosperity, as his present adversity.

4. That all perswasions in matters of religion, who have most charity and least of severity, are most agreeable to Christianity.

5. He is often heard to complain, that he ever observed, an aptitude and propensity in persons of power to persecute such as differ from them.

6. That this natural aptitude to persecute ought to be restrained by wholesome and effectual laws.

7. That this persecuting spirit influencing the greater number of all perswasions, especially persons in power, is the only cause of his majesty's present sufferings.

8. He is passionately kind to all deserters, and chearfully receives and soon prefers them.

9. He pretending his sufferings to be thus on the account of conscience, seems not to doubt, but God will find some unexpected means, for his restauration in 1690 as he did in 1660.

10. He is heard frequently to declare against the dragooning persecution of France, and the barbarous and inhumane murders committed on the Protestants of this kingdom in the year 1641, as passionately, and perhaps as sincerely as the Scribes and Pharisees did against their forefathers for persecuting the prophets. To these I think fit to add the particulars of his majesty's publick declarations, which are ordered to be read once every two months in the head of every troop and company in his whole army, and to be fixed up in all the boroughs and market towns in this kingdom.

1. His majesty is pleased earnestly to recommend the performance of public and private duties to God, to all under his command, and particularly recommends to the Roman Catholics of his army frequent confessions, and strict observation of Sundays and holy days.

2. He publicly declares what subsistance he allowes to every horse, dragoon, and every private soldier in his army, and what is reserved in the pay-master's hands for the accoutrements and the hospital.

3. He avoids and forbids as unnecessary, the charge of all agents, and commands the majors of every regiment to do that work, and to save the charge.



4. He strictly requires the private soldier out of the said subsistence duly and truly to pay his quarters.

5. In case they shall want their subsistence, they are then required every week to give their respective landlords a note under their hands, which shall be received by the receiver general, as so much money out of any branch of his majesty's revenue.

6. His majesty forbids all straggling of private soldiers from their garrisons without their officers pass; and requires all officers, either military or civil, to apprehend such soldiers having no pass, and to send them to their colours, to receive punishment according to their demerits.

7. His majesty by the same proclamation, forbids all plundering on any pretence whatsoever, under pain of death without mercy.

8. He requires both officers and soldiers under the pain of his high displeasure to demean and behave themselves civilly and respectfully in their respective quarters; and to assist and not obstruct the civil magistrates in the execution of their respective trusts, especially the officers concerned in and about his majesty's revenue.

9. He forbids all officers and soldiers to quarter themselves on any of his majesty's subjects, without having a billet or ticket under the hand of the constable or other civil officer of the place.

10. He strictly forbids pressing any country-man's horse on any pretence whatsoever without having his majesty, his captain general, his lord lieutenant, or deputy lieutenant's license for so doing; and then allows them to press the said horse but one day's journey, and to see that the horse be returned as well as when received; and particularly forbids the pressing any horse belonging to any plough.

11. His majesty in the same proclamation, enjoynes severe penalties on all forestallers or obstructers of provision going to either camp or market.

Lastly. The respective penalties enjoined in the said proclamation, are severely and impartially executed on the respective offenders. My family tells me that the week before they left Dublin, there were two private soldiers executed before a Protestant baker's door, for stealing two loaves not worth a shilling. And a fortnight before, a lieutenant and ensign were publicly executed at a place, where on pretence of the king's service, they pressed a horse going with provisions to Dublin market; two others were condemned and expected daily to be executed for the like offence; these severe examples confirming the penalties of these public declarations, contribute so much to the quiet of the country, that were it not for the country Raparees and Tories, theirs 'tis thought would be much quieter than ours. Some of our foreigners are very uneasie to us; had not the prudence of a discreet major prevented it, last Sunday was seven night had been a bloody day be-

tween some of the Danish foot and Collonel Langton's regiment of horse. The truth is too many of the English, as well as Danes and French, are highly oppressive to the poor country; whereas our enemy have reduced themselves to that order, that they exercise violence on none, but the proprietors of such as they know to be absent, or, as they phrase it, in rebellion against them, whose stock, goods and estates are seized, and set by the civil government, and the proceed applied for and towards the charge of the war. And for their better direction in their seizures, it's reported and believed, that they have copies of the particulars of the Protestants' passes given into the committee of the late House of Commons at Westminster.

The enemies' great work is to secure Dublin this summer, they fearing an attack before they could get forage for their horse; and willing to hasten that supply, they long since ordered all the deer in the Parks of the Phoenix and Rasternham to be destroyed, and cattel to be removed from Dublin to get the more earlier grass for their horse; of which by many letters, I gave that early notice, that I fear we may pay too dear for the delay; they have seized all the arms and serviceable horses they can find within their reach, the Irish having their religion and national principle supported on the pretence of law, and the presence of the king; and all so openly owned by France, make them more united and unanimously resolved than in any of their former wars. Their doctrine of passive obedience and liberty of conscience gives them too great help of Protestant hands; we have not a known Papist with us, they have hundreds of deluded Protestants with them. I am credibly told, that they have a small boat, which they send weekly to Wales to supply them with news from England; they spare for no charge to get spies and intelligence from our quarters; they report they have daily deserters, and could have more, did they not presume they may be more serviceable to them by continuing with us. They openly declare, that our army consists most of their deserters, and that it was success made them leave them, and that the same motive will bring them back again. They told the number and the time of the Danes landing, and foretell that we shall soon repent their coming among us; they report, that laying aside the Protestant hands of this country, and the other fore-mentioned principles, were arrows taken out of their quivers; they tell us that our king cannot be here till June, and that they shall be ready a month sooner to receive him. They report his army to be thirty thousand, with vast stores of arms and ammunition and provision; the Londonderry and Eneskillen forces, with the recruits of this country, are more dreadful to them than all our foreign forces. They are resolved on a defensive war, and in case they have their promised supplies, they seem not to doubt but to keep Dublin this summer; their great difficulty is, what to do with the great number of Pro-

testants among them ; they have many proposals under consideration, but as yet they came to no resolution. The king is much averse to all severity, yet clearly sees he can make no impression of loyalty on them. The enemy (as my wife and family, which have got leave lately to come to me from Dublin, tell me), report with more confidence than, I hope, truth, that we have many Monks in our army, many Sandwiches in our fleet, and many Shaftsburies in our councils ; and that they laid those variety of engines both in England, Scotland, and Ireland, that they seem not to doubt but that they shall have as many invitations for their return in England in 1690, as they had in 1660 ; and that this summer they shall be able to get eighty thousand men into the field, and find money for their constant pay.

Being so united as they are, and carrying on the war with so great concurrence of their church, and having France for an additional support, I do no ways wonder but that they may have as many men ; but how to procure them constant pay, was somewhat my trouble to know. By their establishment, I find, besides accoutrements and hospital, that the pay of a foot soldier is but 4d. a trooper as much over as a dragoon is short of 12d. per diem ; so that seventy thousand foot will amount to 456000*l.* per annum ; and ten thousand horse, at 12d. per diem, amounts to above 182,000*l.* making in the whole 638,000*l.* and if one fourth more is added for general officers, train of artillery, contingencies, &c. the whole amounts to 797,000*l.* How this sum may be raised out of only three provinces of this country, seems to be the great doubt. By comparing several accounts I have received from spies, I find the heads of their revenue to be as followeth :

1. I find the late parliament of Ireland granted their king a subsidy of 20,000*l.* per mensem, charged on stock and lands.

2. The enemy finding us possessed of one province since the passing that act ; and finding much of the other three provinces made waste by their order ; and that by the frequent returns of their brass and pewter money, a great inland trade is increased, they have, by public proclamation, ordered 20,000*l.* more to be assessed on the trading part of the nation, according to their respective trades ; both which are presumed cannot yield less than 30,000*l.* per mensem *de claro*, which is per annum 360,000*l.*

3. They have bought on the king's account all the wool, at 6*s.* per stone, tallow at 15*l.* per tun, beef, tallow, hides, &c. which they intend to send for France to buy arms and ammunition, &c. which they esteem may be worth at least 200,000*l.* the wool licence at 4d. per stone, to transport it only for England, was usually worth to the chief governors 4 or 5000*l.* per annum.

4. It is reported, they have agreed with persons who are obliged to coin them this year 150,000*l.* brass and pewter money.



5. The rent of church lands and absentees estates, besides their goods and stocks, are estimated at least to be 150,000*l.* per annum; the truth of this will appear by the aforesaid books given into the committee of parliament.

6. The king's standing revenue of rents, hearths, customs, excise, and casual revenue, cannot be less than 150,000*l.* more.

Memorandum. That all the aforesaid particulars amount to 860,000*l.* out of which deduced the 797,000*l.* there will remain 73,000*l.* besides what helps may be given him by France, &c. and the addition that may be made by their coining brass and pewter money above the aforesaid contract, which brass and pewter coin being not fit to be kept, quickens returns and encreaseth their trade. By all which it appears, that the enemy cannot want current coin to support the war: but had we ships of war lying by in their harbour to prevent their exportations; and were Dublin secured, their trade and revenue would soon be lessened. But if they are suffered to export their vast quantity of goods they have now stored up in their ports, it may not only give a further increase to their revenue, but occasion a longer continuance of the war, especially having made the establishment of their army so low, and the current value of their brass coin so high. Their brass and pewter coin is of equal weight with our silver coin, which being usually bought for 12*d.* per pound, is of equal value with our silver, which is 3*l.* per pound: and their establishment being a moiety short of ours, 'tis demonstrable, that six-penny worth of their brass or pewter money, shall pay double as many soldiers as 3*l.* of our silver coin. What advantage this money gives their trade: what ease in the pay of the army, and supplying them with provision, is very demonstrable; yet 'tis as strange as true, that notwithstanding they are better paid, better disciplined than our army, yet hitherto we may set up an Ebenezer, and say, that a God hath hitherto fought for us; and that by the seeming worse discipline, worse mounted, and worse of our whole army; I mean by our Eneskillen and Londonderry forces, whose moral and religious principles you know are little better, but genrally worse than theirs, they having constantly beat their most choice and detached parties, with a confused and disordered rabble, when they were not half the number of their enemies, and have struck them with that terror, that it is believed, notwithstanding their great number, and provision for their support, the enemy intends this summer only a defensive war, and to fight only by detachments. But that which to me seems most strange, yet is true, that notwithstanding all the violence, oppression, and wrong done, by these and other of our army, on the impoverished, oppressed, and plundered Protestant inhabitants of this province, and the little encouragement and great discouragement they have had from us; yet you know, what I esteem as a

great presage of future good, they continue and remain as firm and faithful to us, as the Irish papists against us. How frequently do we hear them tell us, that though we continue to injure them, rob and destroy them, yet they must trust in us, and be true and faithful to us.

We have just now intelligence of the arrival of the French succours, and vast stores of arms and provisions. Oh, sir! where's our fleet? Did they want early notice of their approach? What lethargy attends them, and what judgment us, that the Irish have had as secure passage from Dublin to France, Scotland, and England, as if we had not one man of war to hinder them, or secure us? If the French fleet carry off as vast quantities of our native goods as they have brought in their foreign succours, Ichabod may be wrote on our future proceedings, it being believed by some, and confidently reported by others lately come from Dublin, that they were apprehending the chief Protestants in and about that city, to transport and make them prisoners and slaves of France.

Let me know the receipt of this voluminous letter, and the use you make of it. You may pardon the tediousness of this letter, which, if an offence, is not likely to be hastily repeated.

Your true friend and faithful servant,

ROBERT GORGE.

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## No. XLVI.

AN ACT FOR THE ATTAINDER OF DIVERS REBELS, AND FOR  
PRESERVING THE INTEREST OF LOYAL SUBJECTS....PAGE  
162.

HUMBLY beseech your majesty, the commons in this present parliament assembled, that whereas a most horrid invasion was made by your unnatural enemy the Prince of Orange, invited thereunto, and assisted by many of your majesty's rebellious and traitorous subjects of your majesty's dominions; and such their inviting and assisting, made manifest by their perfidious deserting your majesty's service, in which, by your many princely obligations, besides their natural duties, they were bounden; and having likewise to obtain their wicked ends, raised and levied open rebellion and war in several places in this kingdom, and entered into associations, and met in conventions in order to call in and set up the said Prince of Orange, as well in Ulster and Connaught, as in the other provinces of Munster and Leinster; to quell which, your sacred majesty's late deputy in this kingdom, Richard, then Earl, and now Duke

of Tyrconnel, before your majesty's happy arrival in this kingdom; and your sacred majesty since your arrival here, have been necessitated to raise an army to your majesty's great charge and expence. And though the said rebels and traitors, after their having the impudence to declare for the Prince and Princess of Orange against your sacred majesty, were with all mildness and humanity called in to their allegiance, by proclamations, and promises of pardon for their past offences, and protection for the future: and though some of the said proclamations assured pardon to all such as should submit themselves; and that no persons were excepted in the last proclamation besides very few, not exceeding ten in number, and few or none of any note came in, in obedience thereunto, and that very many of the persons who came in upon protections, and took the oath of allegiance to your majesty, were afterwards found amongst the rebels in open arms and hostility, when taken prisoners or killed, such protections being found with them; so villainous were they by adding perjury to their former crimes: That it may be enacted, and be it enacted by your most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by authority of the same, That all those persons, who have notoriously joined in the said rebellion and invasion, and some which are upon indictments condemned, some executed for high treason, and the rest ran away, or abscond, or are now in actual service of the Prince of Orange against your majesty, and others killed in open rebellion, or now in arms against your majesty, or otherwise: and every of them shall be deemed, taken and reputed, and are hereby declared and adjudged traitors, convicted and attainted of high treason, and shall suffer such pains of death, penalties and forfeitures respectively, as in cases of high treason are accustomed. Provided, that in case it happen, that any of the persons hereby attainted, or to be attainted, do now abide or dwell in this kingdom, and are amenable to the law, that then and in such case, if such person and persons do by the 10th day of August, one thousand six hundred and eighty-nine, without compulsion, of his own accord come in and deliver himself to the lord chief justice of your majesty's court of King's Bench in Ireland, or to any other of the judges of the said court, or of any other of your majesty's four courts in Dublin, or to any other judge of assize in their circuits to be charged with any treason, to be charged or imputed to him or them, that then and in such case, such person and persons (if after acquitted by the laws of this land, or discharged by proclamation) shall be freed, discharged, and acquitted from all pains, punishments, and forfeitures, by this act incurred, laid, or imposed; any thing in this act to the contrary in any wise notwithstanding. And whereas several other per-



sons have absented themselves from this kingdom, and have gone into England, or some other places beyond the seas, since the 5th day of November last, or in short time before, and did not return, although called home by your majesty's gracious proclamation: which absenting, and not returning, cannot be construed otherwise than to a wicked and traiterous purpose, and may thereby justly forfeit all their right and pretensions to all and every the lands, tenements, and hereditaments to them belonging in this kingdom: be it therefore enacted by the authority aforesaid, that in case the said person and persons do not by the 1st day of September, one thousand six hundred eighty-nine, of his or their own accord, without compulsion, return into this kingdom, and tender him and themselves to the chief justice of his majesty's court of King's Bench, or to some other judge of the said court, or judge of assize in circuit, or any of the lords of your majesty's most honourable privy council to be charged with any crimes to him or them to be imputed, that then, or in such case as he or they, upon such his or their return, shall be convicted by verdict of twelve men, or by his or their own confession, upon his or their arraignment for treason, or upon his or their arraignment stand mute, such person and persons so absent, and not returning, as aforesaid, (or after his or their return, being convicted of high treason, as aforesaid) shall, from and after the 1st day of September, one thousand six hundred eighty-nine, be deemed, reputed, and taken as traitors, convict and attainted of high treason; and shall suffer such pains of death, and other forfeitures and penalties, as in cases of high treason are accustomed. But in case such person or persons so returning, be upon his or their trial acquitted or discharged by proclamation, then such person and persons respectively shall from thenceforth be freed, discharged, and acquitted from all pains, punishments, and forfeitures by this act incurred, laid, or imposed; any thing in this act to the contrary notwithstanding.

And whereas several persons have before the said 5th day of November last, absented themselves from this kingdom, and live in England, Scotland, or the Isle of Man, and there now abide; and by their not coming or returning into this kingdom upon your majesty's proclamation, to assist in defence of this realm, according to their allegiance, must be presumed to adhere to the said Prince of Orange, in case they return not within the time by this act prescribed, and thereby may justly forfeit all the lands, tenements, and hereditaments, which they or any of them are entitled unto, within this kingdom: be it therefore enacted by the authority aforesaid, that in case the said person and persons last mentioned, do not by the 1st day of October, one thousand six hundred eighty-nine, of his and their own accord, without compulsion, return into this kingdom, and tender

him and themselves to the chief justice of your majesty's court of King's Bench, or to some other judge of the said court, or judge of assize in his circuit, or any of the lords of your majesty's most honourable privy council to be charged with any crime or crimes to him or them, to be charged or imputed, that then, or in case he or they, upon such his or their return, shall convict by verdict of twelve men, or by his or their own confession, upon his or their arraignment for treason, or upon his or their arraignment, stand mute ; such person and persons so absent, and not returning as aforesaid, or after his or their return being convict of treason as aforesaid, shall, from and after the said 1st day of October, one thousand six hundred eighty-nine, be deemed, reputed and taken as traitors, convict, and attainted of high treason, and suffer such pains of death, and other forfeitures and penalties, as in cases of high treason is accustomed : but in case such person and persons so returning, upon such his or their trial, be acquitted or discharged by proclamation, then such person and persons respectively shall from thenceforth be freed, discharged, and acquitted from all pains punishment, and forfeitures by this act incurred, laid, or imposed ; any thing in this act to the contrary notwithstanding. Provided always, that in case your majesty shall happen to go into the kingdom of England or Scotland before the 1st day of October, one thousand six hundred eighty-nine, then all those whose dwelling and residence always hath been in England, shall give your majesty such testimony of their loyalty and fidelity, as that your majesty will be pleased on or before the said 1st day of October, one thousand six hundred eighty-nine, to certify under your privy signet or sign manual unto your chief governor or governors of this kingdom, that your majesty is satisfied or assured of the loyalty and fidelity of the persons last included, or of any of them ; that then if such certificate shall on or before the 1st day of November, one thousand six hundred eighty-nine, be produced to your chief governor or governors of this kingdom, and enrolled in your majesty's high court of Chancery, the same shall be sufficient discharge and acquittal to such of the said persons last included, and every of them respectively, whose loyalty and fidelity your majesty will be pleased to certify in manner as aforesaid. And be it further enacted, that in the mean time, and until such return and acquittal, all the lands, tenements, and hereditaments within this kingdom, belonging to all and every absentee and absentees, or other person to be attainted as aforesaid, shall be and are hereby vested in your majesty, your heirs and successors, as from the 1st day of August last past. And be it further enacted by the authority aforesaid that all and every such person and persons, as by any the foregoing clauses is, are, or shall be respectively attainted, shall

as from the 1st day of August, one thousand six hundred eighty-eight, forfeit unto your majesty, your heirs, and successors, all such manors, lands, tenements, and hereditaments, and all right, title, service, chiefery, use, trust, condition, fee, rent charge, right of redemption of mortgages, right of entries, right of action, or any other interest of what nature or kind soever, either in law or equity, of, in, or unto any lands, tenements, or hereditaments within this kingdom, belonging or appertaining to such a person or persons, so as aforesaid attainted, or to be attainted, in his or their own right, or to any other in trust for him or them, on the said 1st day of August, one thousand six hundred eighty-eight, or at any time since, and all the said lands, tenements, and hereditaments, so as aforesaid, forfeited unto and vested in your majesty, your heirs and successors, hereby are and shall be vested in your majesty, your heirs and successors, whether such a person or persons were seized thereof in fee absolute or conditional, or in tail, or for live or lives, and that freed and freely discharged off and from all estates tail, and for life, and from all reversions and remainders for life, for years, or in fee absolute or conditional, or in tail, or to any person or persons whatsoever, such remainder as by one act or statute of this present parliament, intituled, an act for repealing the acts of settlement and explanation, resolution of doubts, and all grants, patents, and certificates pursuant to them or any of them, or by this present act are saved and preserved, always excepted and fore-prized. Provided always, that the nocency of forfeiture of any tenant in dower, tenant by the courtesy, joyntriss for life, or other tenant for life or lives in actual possession, shall not extend to bar, forfeit, make void, or discharge any reversion or reversions vested in any person or persons, not engaged in the usurpation or rebellion aforesaid, such reversion and reversions being immediately depending or expectant upon the particular estate of such tenant in dower, tenant by the courtesy, joyntriss for life, or other tenant for life or lives; any thing in the said act of repeal, or in this present act to the contrary notwithstanding. Provided always, and be it further enacted by the authority aforesaid, that nothing in this present act contained, shall any way extend, or be construed to extend, to forfeit or vest in your majesty, your heirs or successors any remainder or remainders for valuable considerations, limited or settled by any settlement or conveyance made for such valuable considerations, either of marriage or marriages portion, or other valuable consideration whatsoever, upon any estate for life or lives, to any person or persons not concerned in the usurpation or rebellion aforesaid; such remainder or remainders as are limited or settled by any conveyance, wherein there is any power for revoking and altering all or any the use or uses therein limited, and also such remainder and remainders as are limited upon



any settlement or conveyance of any lands, tenements, and hereditaments, commonly called plantation lands ; and all lands, tenements, and hereditaments held or enjoyed under such grants from the crown, or grants upon the commission or commissions of grace for remedy of defective titles, either in the reign of King James the First, or King Charles the First ; in which several grants respectively there are provisoes or covenants for raising or keeping any number of men or armes for the king's majesty against rebels and enemies, or for raising of men for his majesty's service, for expedition of war, always excepted and fore-prized. All which remainders limited by such conveyances wherein there is power of revocation for so much of the lands, uses, and estates therein limited as the said power doth or shall extend unto ; and all such remainders as are derived or limited for or under such interest made of plantation lands, or other lands held as aforesaid, under such grants from the crown ; and all and every other remainder and remainders, reversion and reversions not herein mentioned, to be saved and preserved, shall by the authority of this present parliament, be deemed, construed, and adjudged void, debarred, and discharged to all intents and purposes whatsoever, against your majesty, your heirs, and successors, and your and their grantees or assigns ; and the said lands, tenements, and hereditaments, belonging to such rebels as aforesaid, shall be vested in your majesty, your heirs, and successors, freed and discharged of the said remainder and remainders, and every of them. And to the end the reversions and remainder saved and preserved by this act, may appear with all convenient speed, be it further enacted by the authority aforesaid, that the respective persons, entitled to such remainders and reversions, do within sixty days next after the first sitting of the commissioners, for executing the said act of repeal, and this present act, exhibit their claims before the said commissioners, and make out their titles to such remainder or remainders, so as to procure their adjudication and certificate for the same, or the adjudication and certificate of some three or more of them : and further, that all remainders for which such adjudication and certificates shall not be procured, at or before one hundred and twenty days after the first sitting of the said commissioners, shall be void, and for ever barred and excluded ; any thing in this act, or other matter to the contrary in any wise notwithstanding. All which lands, tenements, and hereditaments mentioned as aforesaid, to be forfeited unto, and vested in your majesty, by any the clauses aforesaid, are hereby declared to be so forfeited unto, and vested in your majesty, without any office or inquisition thereof, found or to be found ; and the same to be to the uses, intents, and purposes in the said act of repeals, and in this

present act mentioned and expressed. And whereas several persons are, and for some time past have been absent out of this kingdom, and by reason of sickness, nonage, infirmities, or other disabilities, may for some time further be obliged so to stay out of this kingdom, or be disabled to return thereunto. Nevertheless, it being much to the weakening and impoverishing of this realm, that any of the rents or profits of the lands, tenements, or hereditaments therein, should be sent into, or spent in any other place beyond the seas, but that the same should be kept and employed within the realm for the better support and defence thereof, be it further enacted by the authority aforesaid, that all the lands, tenements and hereditaments, use, trust, possession, reversion, remainder, and all and every other estate, title, and interest whatsoever, belonging or appertaining to all and every the persons herein before last mentioned, within this kingdom, be and are hereby vested in your majesty, your heirs, and successors, to the use of your majesty, your heirs, and successors. Provided always, that if any person or persons, in the next foregoing clause included, have hitherto behaved themselves loyally and faithfully to your majesty, that then if they or any of them, their or any of their heirs, do hereafter return into this kingdom, and behave him or themselves as becometh loyal subjects, and do, on or before the last day of the first term next ensuing, after such their return, exhibit his or their petition or claim, before the commissioners for execution of the said acts, if then sitting ; or in his majesty's high court of Chancery, or in his majesty's court of Exchequer, for any such lands, tenements, or hereditaments, and make out his or their title thereunto, and obtain the adjudication and decree of any of the said courts, of and for such his or their title, that then and in such case, such adjudication and decree shall be sufficient to all such person or persons, for divesting and restoring such estate, and no other shall be therein and thereby to him or them adjudged and decreed ; and that the order of any of the said court shall be a sufficient warrant to all sheriffs, or other proper officers to whom the same shall be directed, to put such person or persons in the actual seizin and possession of the said lands ; any thing in this act contained, or any other statute, law, or custom whatsoever to the contrary in any wise notwithstanding. Provided always, and be it further enacted by the authority aforesaid, that neither the said act of repeal, or this present, or any thing in them or in either of them contained, shall extend to, or be construed to forfeit or vest in your majesty, your heirs, or successors ; or otherwise to bar, extinguish, or weaken any right of entry, right of action, use, trust, lease, condition, or equity of redemption of any mortgage or mortgages, which on the said 1st day of August, one thousand six hundred eighty-eight, belonged or appertained to any persons,

not being forfeiting persons, within the true intent and meaning of the said act of repeal, or of this present act; and which ever since the 1st day of August, one thousand six hundred eighty-eight, continued or remained in such persons, not being forfeiting, or devolved, descended, or come from them, or any of them, to any of their heirs, executors, or administrators not being forfeiting persons as aforesaid; any thing in this act or the said act of repeal to the contrary notwithstanding. Provided always, that the said person or persons, claiming such right of entry, right of action, use, trust, lease, condition, or equity of redemption of mortgage, do and shall exhibit his and their claim for the same, before the commissioners for execution of the said act of repeal, or of this present act, within sixty days after the first sitting of the said commissioners, and procure the adjudication of them, or any three or more of them thereupon, within one hundred and twenty days after the said first sitting of the said commissioners. And whereas by one or more office or offices, in the time of the Earl of Strafford's government in this kingdom, in the reign of King Charles the First, of ever blessed memory, all or a great part of the lands, tenements, and hereditaments in the province of Connaught, and counties of Clare, Limerick, and Tipperary, were vested in his majesty: and by the acts of settlement and explanation, the said office and offices are declared to be null and void, since which time the said acts have been by the said act of repeal, repealed, and thereby some prejudice might arise or accrue to the proprietors concerned in those lands, if not prevented: be it therefore enacted by the authority aforesaid, that the said office and offices, and every of them, commonly called the grand office, and the title thereby found, or endeavoured to be made out and set up, from the time of the finding or taking thereof, was and is hereby declared to be null and void, to all intents and purposes whatsoever. Provided, that nothing therein contained shall any way extend, or be construed to extend, to charge any person or persons who hath, *bona fide*, paid any rents or arrears of rent, that have been due and payable out of any lands hereby vested in your majesty; or to charge any steward or receiver, that received any such rents, or arrears of rents, if he, *bona fide*, paid the same; but that he and they shall be hereby discharged, for so much as he or they so *bona fide* paid, against your majesty, your heirs, and successors. Provided always, and it is hereby enacted, that every person not being a forfeited person, within the true intent and meaning of the said former act, or of this present act, and who before the seventh day of May, one thousand six hundred eighty-nine, had any statute staple, or recognizance for payment of money, or any mortgage, rent charge, portion, trust, or other incumbrance, either in law or equity, or any judgment, before the two and twentieth day of May, one thousand six hundred eighty-nine,



for payment of money, which might charge any of the estates, lands, tenements, or hereditaments, so as aforesaid forfeited unto, and vested in your majesty, shall and may have the benefit of the said statute staple, judgments, recognizances, mortgages, rent-charge, portions, trusts, and other incumbrances, out of the estate or estates which should be liable thereunto, in case the said former act, or this present act had never been made. Provided always, that the person and persons who had such statutes staple, judgment, recognizances, or other trusts or incumbrances, do claim the same before the commissioners, for execution of the said former act, within two months after the first sitting of the said commissioners, and procure their adjudication thereof, within such reasonable time as the said commissioners shall appoint for determining the same. And to the end that such person and persons as shall have any of the said lands, tenements, or hereditaments, granted unto him as aforesaid, may know the clear value of the said lands, tenements, and hereditaments, so to be granted unto him above all incumbrances, and may enjoy the same against all statutes staple, judgments, recognizances, mortgages, rent-charges, and other incumbrances not claimed and adjudged as aforesaid.

Be it therefore enacted, by the authority aforesaid, that all such lands, tenements and hereditaments, as shall be forfeited unto and vested in your majesty, and granted by letters patents pursuant to the said former act, or this present act, shall be, and are hereby freed, acquitted and discharged of and from all estates, charges and incumbrances whatsoever, other than what shall be claimed and adjudged as aforesaid. And whereas by one private act of parliament, intituled, An act for securing of several lands, tenements, and hereditaments to George Duke of Albermarle, which act was passed in the reign of King Charles the Second; some lands, tenements, and hereditaments in this kingdom, which on the two and twentieth day of October, one thousand six hundred forty-one, belonged to some ancient proprietor or proprietors, who were dispossessed thereof by the late usurped powers, were secured and assured unto the said Duke of Albermarle, by means whereof the ancient proprietors of the said lands may be barred and deprived of their ancient estates, unless the said act be repealed, though such ancient proprietor or proprietors be as justly intituled to restitution as other ancient proprietors, who were dispossessed by the usurper, and barred by the late acts of settlement and explanation. Be it therefore enacted, that the said act for securing of several lands, tenements, and hereditaments to George Duke of Albermarle, be and is hereby repealed to all intents and purposes whatsoever: and that the proprietors of the said lands, and their heirs and assigns, be restored to their said ancient estates in the same manner with the said other ancient proprietors, their heirs and

assigns. And whereas several ancient proprietors, whose estates were seized and vested in persons deriving a title under the said acts of settlement or explanation, have in some time after the passing of the said acts, purchased their own ancient estates, or part thereof, from persons who held the same under the said acts as aforesaid, which old proprietors would now be restored to their said ancient estates, if they had not purchased the same. And for as much as the said ancient proprietors or their heirs should receive no benefit of the said act of repeal, should they not be reprimed for the money paid by them for their said ancient estates. Be it therefore enacted, by the authority aforesaid, that all and every the ancient proprietor or proprietors, or their heirs, who have laid out any sum or sums of money, for the purchase of their own ancient estates, or any part thereof as aforesaid, shall receive out of the common stock of reprisals a sufficient recompence and satisfaction for the money laid out or paid by him or them, for the purchase of their said ancient estate, at the rate of ten years purchase, any clause, act, or statute to the contrary in any wise notwithstanding. And for the prevention of all unnecessary delays and unjust charges, which can or may happen to the subjects of this realm before their full and final settlement, be it further enacted, by the authority aforesaid, that where the commissioners for execution of the said act of repeal, or any three or more of them, shall give any certificate under his and their hands and seals to any person or persons, bodies politick or corporate, in order to the passing of any letters patents, according to the said act, and shall likewise return a duplicate of such certificate into his majesty's court of Exchequer at Dublin, to be there enrolled, and the person or persons, bodies politick or corporate, to whom such certificate shall be given, shall, during the space of six months next ensuing the date thereof, diligently prosecute the having and obtaining letters patents accordingly, but shall thereof be debarred and hindered by the neglect of any officer or officers; that then and in such case the several and respective persons, bodies politick and corporate, to whom and in whose behalf such certificate shall be given or granted, shall hold and enjoy the several messuages, manors, lands, tenements, and hereditaments, in the several respective certificates mentioned and allotted according to such estates and under such rent as is therein mentioned, as fully and amply to all intents and purposes, as if letters patents thereof had been granted and perfected according to the direction in the said former act; any thing in this, or the said former act, or any other law, statute, or usage to the contrary notwithstanding. And whereas, by the hardships and oppressions introduced by the said act of settlement and explanation, some ancient proprietors, who would have been restorable by the said act of repeal, have been necessitated to accept of leases for life, lives

or years, or gifts in tail, or other conveyances of their own respective estates, and have contracted to pay some rents, duties, or other reservations out of such their ancient estates, by which acceptance of leases or gifts before mentioned, and by the said agreements to pay rents, duties, or reservations for the same, the said ancient proprietors may be barred or stopped, and concluded from the benefit of restitution, intended for ancient proprietors by the said act of repeal ; be it therefore enacted, that the acceptance of any lease or leases, gift or gifts in tail, or any agreement or agreements upon any such account for payment of rents, duties, or any other reservation, for such their respective ancient estate or estates, shall be no way prejudicial or binding, or conclusive to any such ancient proprietor, or his or their heirs, executors, or administrators, who have not actually by some legal ways or means, released his or their right or rights to his or their said ancient estates, unto their said lessors or donors : any thing herein or in the said act of repeal, to the contrary notwithstanding. Whereas some or most of the lands to be given in reprizals, have not been surveyed by the surveys, commonly called the Down Survey, or Strafford Survey ; and that a certain way is necessary to be prescribed for ascertaining the quit-rents now made payable thereout. Be it therefore enacted, by the authority aforesaid, that the commissioners for the executing of the said act of repeal, or any three of them, shall and may be empowered to ascertain such quantities payable out of such lands so to be given in reprize, and to that purpose to issue commissions for valuations or surveys, as they shall think fit ; and that such surveys shall be made according to the rules and methods used for the Down Survey, wherein the unprofitable is to be thrown in with the profitable, and where the lands appear barren, or the quit-rents by the said act of repeal, proper or fit to be reduced, it shall and may be lawful for them to reduce the same ; in which case such reduced or reserved quit-rents, shall be and are hereby the only quit-rent payable out of the said lands, if such quit-rents be more than the crown-rents, before this act payable out of the said lands. But in case the ancient crown-rent be more, the greater rent shall be the rent reserved thereout. Provided yet likewise, that the commissioners for the execution of the said act of repeal, or in default of them, the barons of their majestie's court of Exchequer, within five years after the first sitting of the commissioners, for the execution of the said act, shall be and are hereby empowered to reduce the quit-rents by the said act, and payable out of lands, by the said act of repeal so to be restored, or formerly restored to the former proprietors thereof, where the lands are barren, or of so small value that the quit-rent doth amount to the fourth part of the value of the lands, and may be discouragement to the plantation of the said



lands, and that such ascertaining or abating of quit-rents, under the hands and seals of the said commissioners or barons respectively, shall be good and effectual, as if the same had been enacted by these presents, any thing herein, or in the said acts of repeal contained to the contrary notwithstanding. And be it further enacted, that the commissioners to be appointed for setting forth reprisals pursuant to the said act of repeal, or any three of them, shall out of the stock of reprisals therein, and in this present act, or in either of them mentioned, set forth and allot reprisals to such person and persons, as by virtue of this present act are appointed to be reprized, and shall and may also execute such other parts of this act as are to be executed by commissioners. And whereas divers lands, tenements, and hereditaments forfeited unto and vested in your majesty, are or may be found to be liable to divers debts or other entire payments saved by this act: and for levying and receiving the same, the person or persons entitled thereunto, might charge any part of the lands, tenements, or hereditaments, originally liable to the said debts or payments, with more than a just proportion thereof, whereby some of the persons, to whom part of the said lands, tenements, or hereditaments shall be allotted or granted in reprisal, may be overcharged in such part or proportion of the said lands, tenements, or hereditaments, as shall be so to him or them granted or allotted, which may occasion great prejudice and loss to some of the said reprisable persons, if due course be not taken for appointing the said debts and payments: for remedy whereof, be it enacted by the authority aforesaid, that the commissioners for executing of the said act of repeal, and this present act, or any three or more of them, be and are hereby empowered and required equally to apportion such debts and payments as shall appear to them to be chargeable upon, or levyable out of any lands, tenements, and hereditaments, to be set forth for reprisals as aforesaid: and to ascertain what proportion of such debts or payments each and every proportion of the lands, tenements, and hereditaments, which were originally liable thereunto, and which shall be separately set forth for reprisals as aforesaid, shall remain liable to pay or discharge, and the respective grantees, and every of them, and their respective proportions of the said lands, tenements, and hereditaments to them allotted for reprisals, shall not be liable to any more of the said debts or payments, than by the said apportionment shall be appointed and directed, which proportion of the said debts or payments is to be inserted in the certificate, to be granted of the lands liable thereunto, if the person or persons obtaining such certificate, shall desire the same; any thing in this or the said act of repeal to the contrary notwithstanding.

And be it further enacted, by the authority aforesaid, that all letters patents hereafter to be granted of any offices or lands whatsoever, shall contain in the same letters patents, a clause

requiring and compelling the said patentees to cause the said letters patents to be enrolled in the chancery of Ireland, within a time therein to be limited ; and all letters patents wherein such clause shall be omitted, are hereby declared to be utterly void and of none effect. Provided always, that your sacred majesty at any time before the 1st day of November next, by letters patents under the broad seal of England, if residing there, or by letters patents under the great seal of Ireland, during your majesties' abode here, shall grant your gracious pardon or pardons to any one or more of the persons herein before mentioned or intended to be attainted, who shall return to their duty and loyalty ; that then and in such case, such person and persons so pardoned, shall be and is hereby excepted out of this present act, as if they had never been therein named, or thereby intended to be attainted, and shall be and are hereby acquitted and discharged from all attainders, penalties, and forfeitures created or inflicted by this act or the said act of repeal, excepting such share of proportion of their real personal estate, as your majesty shall think fit to except or reserve from them, any thing in this present act, or in the said act of repeal, contained to the contrary notwithstanding. Provided always, that every such pardon and pardons be pursuant to a warrant under your majestie's privy signal and sign manual, and that no one letters patents of pardon shall contain above one person, and that all and every such letters patents of pardon and pardons, shall be enrolled in the Rolls Office of your majestie's High Court of Chancery in this kingdom, at or before the last day of the said month of November ; or, in default thereof, to be absolutely void and of none effect, any thing herein contained to the contrary notwithstanding. Provided likewise, that if any person or persons so pardoned shall at any time hereafter the date of the said pardon, join with, or aid or assist any of your majesties enemies, or with any rebels in any of your majesties dominions, and be thereof convict or attainted by any due course of law, that then and in such case they shall forfeit all the benefit and advantage of such pardon, and shall be again subject and liable to all the penalties and forfeitures inflicted on them and every of them, by this or the said act of repeal, as if such pardon or pardons had never been granted. Provided always, that nothing in this act contained shall extend or be construed to extend to or vest in your majesty any lands, tenements, or hereditaments, or other interest of any ancient proprietor, who by the said act of repeal is to be restored to his ancient estate, but that all such person and persons, and all their right, title and interest, are and shall be saved and preserved according to the true intent and meaning of the said act, any thing in these presents to the contrary notwithstanding.

RICHARD DARLING,  
Cleric. in Offic. Nri. Rot.

(Copia vera.)

## No. XLVII.

AN ACT FOR REPEALING THE ACTS OF SETTLEMENT AND EXPLANATION, RESOLUTION OF DOUBTS, AND ALL GRANTS, PATENTS AND CERTIFICATES PURSUANT TO THEM, OR ANY OF THEM.....PAGE 162.

WHEREAS the Roman Catholick subjects of this kingdom have for several years, to the apparent hazard of their lives and estates under the royal authority, defended this kingdom, until at last they were overpowred by the usurper Oliver Cromwell; in which quarrel many of them lost their lives, and divers of them (rather than take any conditions from the said usurper) did transport themselves into foreign parts, where they faithfully served under his late majesty, and his present majesty, until his late majesty was restored to the crown. And whereas the said usurper hath seized and sequestered all the lands, tenements, and hereditaments of the said Roman Catholicks within this kingdom, upon the account of their religion and loyalty, and disposed of the same among his officers and soldiers, and others his adherents; and though his majesties said Roman Catholick subjects, not only upon the account of the peace made by his late majesty in the year 1648, but also for their eminent loyalty and firm adherence to the royal cause, might have justly expected to partake of his late majesties favour and bounty upon his happy restauration, which was then extended even to many notorious rebels in other his countries and dominions, which would make amends for the oppressions and injustice they lay under for many years in the time of the said usurper; yet such were the contrivances set on foot to destroy his majesty and Catholick subjects of this realm, that two acts of parliament passed here, the one entituled, “ An act for the better execution of his majestie’s gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the several interests of adventurers, soldiers, and other his subjects there.” The other act entituled, “ An act for explaining of some doubts arising upon an act entituled, an act for the better execution of his majesties gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the several interests of adventurers, soldiers, and other his subjects there; and for making some alterations of, and additions unto the said act for the more speedy and effectual settlement of the kingdom, by which many of the said Catholick subjects were ousted of their ancient inheritances, without be-



“ing so much as heard, and the same were distributed among  
“Cromwell’s soldiers, and others, who in justice could not have  
“the least pretension to the same, contrary to the said peace  
“made in the year 1648, and contrary to justice and natural equi-  
“ty.” And whereas it is now high time to put and end to the  
unspeakable sufferings of the said Roman Catholicks, natives of  
this realm, (who have eminently manifested their loyalty to his  
majesty against the usurper the Prince of Orange) and to remove  
the unparallel’d grievances brought upon them under colour of  
the said two statutes, which cannot be otherwise redressed, than  
by repealing the said acts, and restoring the former proprietors  
to their ancient right, the compassing whereof is much facilitated  
by his majesties royal condescension to apply towards the satis-  
faction and reprizals of honest purchasers under the said acts, a  
great part of the lands and tenements forfeited to him by the late  
rebellion and treason committed by estated persons within this  
kingdom, who contrary to their duty and allegiance joined with  
the Prince of Orange. Be it therefore enacted by your most ex-  
cellent majesty, with the consent of the lords spiritual and tempo-  
ral, and the commons in this present parliament assembled, and  
by the authority aforesaid; and it is accordingly enacted by au-  
thority of the same, That the said two several acts herein before  
mentioned, commonly called the acts of settlement and explana-  
tion, and the acts of state, or act of council, commonly call’d, the  
resolution of doubts by the lord lieutenant and council upon the  
acts of settlement and explanation thereof, and all and every  
clause, proviso, article and sentence in them, and every of them  
contained, and all and every grant, patent and certificate passed  
by vertue of, or under colour or pretence of the said acts and re-  
solutions, or any or either of them (except what is herein after  
preserved, or mentioned to be preserved,) be and are hereby ab-  
solutely repealed, annulled and made void to all intents, con-  
structions and purposes whatsoever, as if the same had never  
been made or passed, notwithstanding any mis-recital of the title  
to them or either of them, or of the exact time when the said  
acts, or either of them, were made or passed.

And be it further enacted, That all manner of persons who  
were any way entituled to any lands, tenements or hereditaments,  
or whose ancestors were any way seized, possessed of, or entitu-  
led to any lands, tenements or hereditaments, in use, possession,  
reversion or remainder in this kingdom of Ireland, on the 22d  
day of October 1641, their heirs or assigns, and every person  
lawfully claiming by, from, or under them and his and their feof-  
fees and trustees, to and for their use or uses, or in trust for  
them or any of them, and who were barred, excluded, hindered  
or prejudiced by the said acts, resolutions, grants, patents and

certificates, shall and may have and take such and the like remedy by action, or otherwise, for revesting or recovering the same, as they, or any, or either of them now might, could, or ought to have had or taken, in case the said acts, resolutions, or any grant, patent, or certificate had never been made or passed, any clause, provisoe, article, sentence, or restriction in the said acts, resolutions, grants, patents or certificates, and any limitation of time, descent, cast, common recovery, judgment or non-claim upon any fine or fines, or upon any other matter or thing where an entry or claim could or would have aided him or them, or any of his or their ancestors, feoffees and trustees, in any wise notwithstanding. And be it further enacted by the authority aforesaid, that all attainders and outlawries for treason, or any other offence, and also all treasons and other offences whatsoever upon account or pretence of the rebellion mentioned or expressed to have begun or arisen in this kingdom on the 23d day of October, 1641, and also all penalties, pains, forfeitures, bars and disabilities accrewed, or supposed to be accrewed thereby, or by any means or ways touching or relating thereto, or any way upon account or pretence thereof, be and are hereby made void, released and discharged to all intents and purposes whatsoever. And be it further enacted by the authority aforesaid, that every officer and officers, who have the custody or keeping of the said attainders or outlawries, or of any of them, or of any the process, entries and proceedings thereof, and of all or any the books of crimination and examinations relating thereunto, shall, as soon as conveniently may be, take the same off the files, and from the respective offices where the same do now remain, and cancel the same before or in the presence of all or any the commissioners of restitution herein mentioned; and any officer failing to do the same, shall forfeit his office, and also the sum of 500*l.* sterling, the moyety of the said 500*l.* to be to your majesty, and the other moyety to any person who shall sue for the same by action of debt, bill, plaint or information in any of your majesties courts of common law, in which action no essoin, protection, or wager of law shall be allowed. And to the end that every person and persons, and their heirs, executors, administrators and assigns, who hitherto were barred, hindered or delayed from recovering or enjoying his or their just rights, titles, or possessions by any of the matters aforesaid, may with all convenient speed be put into and be established in his and their rights, titles and possessions.

Be it further enacted by the authority aforesaid, that such three or more persons, as by your majesty, your heirs or successors, by commission under the great seal of Ireland, shall be to that purpose appointed from time to time, shall be commissioners to hear and determine the claims and title by English bill of such

person or persons, their heirs, executors, administrators and assigns, who are or ought to be restorable or entitled unto any lands, tenements or hereditaments, by reason of the repealing or making void of the said several acts and resolutions of doubts, grants, letters patents, certificates, or any other matter or thing herein before mentioned to be made void, repealed, released, or discharged. And further, that the said commissioners, or any three, or more of them, shall appoint certain times and places from time to time for their sitting, hearing and determining the rights, titles and claims aforesaid, and shall issue summons to the tenants and possessors of the lands claimed before them, and for witnesses, and upon appearance, or in default of appearance, then to proceed and examine the right and title of the said claimant or claimants upon oath, which oath they have hereby power to administer, and to take affidavit in court or out of court, and thereupon shall have power to award injunctions for putting into possession such person or persons as shall appear unto them to be restorable unto, or who ought to be put into possession of any lands, tenements or hereditaments by virtue of this act, and all injunctions and prohibitions to be granted to stop or delay the proceedings of the said commissioners shall be void and of none effect. But all sheriffs and coroners, to whom any injunction or injunctions for possessions shall be directed, are hereby required and authorized at their peril to execute the same. And the said commissioners are hereby authorized to punish all neglects and contempts of sheriffs, officers, or any other person or persons. And forasmuch as by reason of the several oppressions, distractions and confusions herein before mentioned, and of the length of time since the ancient proprietors have been dispossessed, as aforesaid, the deeds, evidences, and writings of the persons restorable by this act, may be either lost or mislaid, so that the same may not speedily, or perhaps not at all be had, in order to make out his or their titles before the commissioners aforesaid. Be it therefore enacted, that the judgment, decree, or sentence of the said commissioners, or of any of them, shall not be final or definitive; but the person or persons, and his or their heirs, executors, administrators and assigns, who is or shall be restorable by virtue of this act, shall and may at his own will and pleasure, use and have his action and remedy in any of his majesties courts of law or equity for recovery of his and their rights, titles and possessions, without resorting to the said commissioners; or if he be not able to make out his title before them. Provided always, and be it hereby enacted and declared by the authority aforesaid, that this act or any thing herein contained, shall not extend, nor be deemed or construed to extend, to annul or make void any release, confirmation, conveyance, fine, recovery, or agreement, made, done, suffered or perfected by any person



or persons, or their ancestor or ancestors, who otherwise would have been restorable by virtue of this act; but that such release, confirmation, conveyance, fine, recovery or agreement, shall be of such like force and effect as they would have been, if this act had never been made. And be it further enacted by the authority aforesaid, that where any person or persons, who have been transplanted into the province of Connaught, or county of Clare, or his or their heirs or assigns, has sold or conveyed away the lands or tenements there set out, unto him in lieu of his ancient estate; and he or his heirs shall notwithstanding such sale of his transplanted interest be restored to his ancient estate, or hath released his right thereto, the said transplanted interest be likewise restored to the person or persons who was or were intituled thereto the 22d day of October, 1641, or to his or their heirs or assigns, that then the ancient estate which shall be so enjoyed by, or restored to the person or persons who sold the said transplanted interest, or to his or their heirs, or to any one claiming by or under him, or his ancestors, or to whom he or they released the same. And likewise such other estate as the said transplanted person hath or had, or which came from him by descent in fee to his heir or heirs, shall be, and is hereby made lyable unto, and charged with the lawful yearly interest of the purchase money, which was paid to the said old proprietor for the said transplanted interest by the person or persons who bought the same, the said yearly interest to be paid to your majesty, your heirs and successors after the expiration of twenty-one days next after the feast of Philip and Jacob, and All Saints, yearly, by even and equal portions every year, until the original purchase-money be paid unto your majesty, your heirs and successors in one entire payment; and the said purchaser of the said transplanted estate to be reprized in such manner as herein after to that purpose is expressed, and the said purchase-money to be part of the stock of reprizals. And whereas by the restitution of the persons hereby intended to be restored to their said ancient estates and proprietries, which belonged to them, or to their ancestors, or those under whom they claim on the 22d day of October, 1641, divers persons who were strangers to the several persons to whom some of the said land, tenements and hereditaments were distributed, came into the possession of the said lands, tenements and hereditaments by or under purchases or conveyances after the said act of settlement past, or before the first day of November last for good and valuable consideration, and not in consideration of blood, affinity, or marriage, by or from the person or persons, to whom the same have been granted or distributed, pursuant unto, or under colour of the said several acts of parliament, and resolution of doubts, or of some or one of them, and whereof certificate or patent hath

been passed since the said first act of settlement: And likewise such person and persons, whose ancestors, or themselves, or those under whom they claim, purchased the estates set forth to transplanted persons in the province of Connaught and county of Clare, must be removed and displaced from their said possessions and pretended estates, and leave the same to the just owners and proprietors thereof, who are to be restored thereto by vertue of this act; the said persons so to be removed, are hereby intended to be reprimed for such their purchases in manner as herein afterwards is expressed. And whereas an horrid and unnatural rebellion was lately raised, and still is continued in this kingdom, and in other your majesties dominions, by great numbers of your majesty's subjects, and more especially by divers of the persons and their heirs, who had and enjoyed a great part of the lands and tenements which formerly belonged to your majesty, and your royal fathers and brothers catholick subjects, and were given out or distributed by the late usurped powers, as a reward for their former rebellion and treason herein first mentioned, which said rebels not being content therewith, but again endeavouring by the like rebellion and treason to draw in foreign forces, and to continue a succession of usurpation against your majesty, and over your most loyal catholick subjects of this kingdom, in hopes thereby to gain the rest of the lands, as they had obtained a great part of it before, and totally to deprive your royal majesty, and your heirs and successors thereof, and of the crown and dignity, divers of the said rebels went into England, Scotland, Wales, Holland, and the Isles of Man, and other places beyond the seas, to invite and procure your most unnatural enemy the Prince of Orange, and your rebellious subjects there, to send over forces into this kingdom, while the rest of the said rebels in great multitudes arrayed themselves in a rebellious number, and seized several of your majesties forts, garrisons and magazines here for the Prince of Orange, and the said confederate rebels, whereby this your majesties kingdom was in great danger to be lost; but it pleased Almighty God, by the courage and conduct of his Grace Richard Duke of Tyrconnel, your majesties deputy in this kingdom, with the dutiful assistance of all your majesties most loyal catholick subjects here, unanimously joining with the said deputy to preserve the same for your majesty, and to break and defeat the measures and machinations of a great part of the said rebels and traytors. And forasmuch as for the treasons and rebellions aforesaid, the said rebels and traytors have justly forfeited not only their estates, lands and livings, but their lives also; Be it therefore further enacted by your most excellent majesty, by the advice and consent aforesaid, that all and every the manors, lands, tenements and hereditaments, use, trust, possession, reversion and

remainder, power of redemption, and all and every estate and interest whatsoever in law or equity within this kingdom, which on the first day of August, 1688, or at any time since belonged or appertained to any person or persons whatsoever, who on the said first day of August, 1688, or at any time since was in rebellion or in arms against your most sacred majesty, either in this kingdom, or in the kingdom of England or Scotland, or who corresponded or kept intelligence with, or went contrary to their allegiance to dwell or stay among the said rebels, or any of them, or who was or were any way aiding, abetting or assisting to them or any of them, be and are hereby forfeited unto, and vested in your majesty, and shall be deemed and adjudged to have been forfeited unto, and vested in your majesty, as from the first day of August, 1688, without any office or inquisition thereof found, or to be found, freed and absolutely discharged of, and from all estates taylor, and of all remainders and reversions, to the intent and purpose that the same may be settled, disposed and granted, and confirmed in such manner as hereafter is expressed, (that is to say) that every reprimizable person and persons, his heirs, executors and administrators, who shall be removed from any of the lands, tenements and hereditaments, which are hereby to be restored to the ancient proprietor thereof, as herein before is expressed, shall be reprimized, and have other lands, tenements and hereditaments of equal value, worth and purchase, set out and granted unto him out of the said forfeited lands, hereby vested in your majesty for such estate or estates, as the lands from which he or they shall be so removed, were held by him at the passing of this act; and for the more speedy and effectual granting of the said reprimizals, be it further enacted, that if it shall be thought fit or necessary, there shall issue commissions under the great seal of this kingdom, to such commissioners as shall be named by the lord chancellor and lord keeper of the great seal of Ireland, within every of the cities, towns, and counties of this kingdom, to enquire and ascertain what lands, tenements and hereditaments any of the rebels aforesaid were seized or possessed of, or entituled unto on the said first day of August, 1688, or at any time since, and the true and real yearly value thereof, and to make return thereof into his Majesties High Court of Chancery with all convenient speed. And be it further enacted by the authority aforesaid, that such three or more persons as your majesty, your heirs and successors, by commission under the great seal of Ireland, shall from time to time to this purpose appoint, shall be commissioners for setting forth, allotting and distributing the said reprimizals; which said commissioners, or any three or more of them are hereby authorized and empowered to receive the petitions and claims of such person or persons who shall demand such reprimizals,



in which said petition and claim is to be contained the quantity, quality, and the true yearly value of the lands, tenements and hereditaments, from which such petitioner or claimant was removed, and the estate and title he had therein, and the quit-rents thereout payable, and the said commissioners, or any three or more of them to examine the truth thereof by witnesses upon oath, and such other evidences as shall be produced unto them; and upon due examination thereof, if they find that such petitioner or claimant, or those, under whom he claimed was a purchaser, by purchase made after passing the first act of settlement, and for good and valuable consideration, before the first of November last, and not for or in consideration of blood, affinity or marriage, from, by, or under the person or persons, to whom the estate so claimed was granted or distributed, and whereof a certificate or patent was passed since the said first act, as aforesaid, or that the said petitioner or claimant, or those under whom he claims, was or is a purchaser for valuable consideration of any transplanted interest in the province of Connaught, or county of Clare, then to set forth unto such petitioner or claimant, other lands, tenements or hereditaments of equal value, worth and purchase, and for the like estate as the said petitioner or claimant had in the lands, tenements or hereditaments from which he was, or shall be removed as aforesaid. And the said commissioners, or any three or more of them, are hereby required and authorized to grant their certificates under their hands and seals to the said petitioner or claimant, expressing the denominations, quantity and quality, and number of acres of the said lands so allotted, and the barony and county wherein the same do lie, and the estate thereof to be granted, and the rent thereout to be reserved; upon producing of which certificate, the lord chancellor or lord keeper of the great seal of Ireland is hereby authorized and impowred, without any further warrant, to cause effectual letters patents to be made and passed to the said claimant of the lands so certified, to be allotted unto him, and under the rents, and for such estate and estates as in the said certificate shall be to that purpose expressed: Provided always and be it further enacted by the authority aforesaid, that such person or persons as shall claim or demand any reprizals for any transplanted estate or interest, shall before he or they have any reprizal or reprizals for the same allotted or set out to them, make full and true discovery and proof of the whole original purchase-money, which was paid for the said transplanted estate by the first purchaser thereof to the person or persons, or his heirs, to whom the said estate was originally set forth or allotted by way of transplantation; and the said commissioners, upon due examination and proof of the said purchase-money, are to certify the quality thereof, and the estate of the ancient proprietor, which is

to stand charged with the yearly interest thereof into your majesties court of exchequer, to the end that the same may be levied as it shall grow due from time to time, until the original purchase-money be paid in one entire payment to your majesty, your heirs and successors, the said principal and interest to be paid towards reprizals, as aforesaid. And be it further enacted, that in case at any time hereafter it shall be discovered, that any person or persons so claiming reprizals for any such transplanted interest, hath not discovered the full purchase-money first paid for the said transplanted estate, but hath concealed any part thereof, then and in such case the person or persons who hath so concealed any part of the said purchase-money, shall forfeit double the sum concealed or not discovered, the one moyety of such forfeiture shall be to your majesty, your heirs and successors, and the other moyety to such person or persons as shall sue for the same by bill, plaint or information, wherein no essoin, protection, or wager of law shall be allowed. Provided also, and be it further enacted, that neither this act, nor any thing therein contained, shall be deemed or construed to vest in your majesty, your heirs or successors, any the lands, tenements, hereditaments or chattels, real right, title, service, chiefry, use, trust, condition, fee-rent, charge, mortgage, right of redemption of mortgage, recognizance, judgment, extent, right of action, right of entry, statute, or any other estate of what nature or kind soever, which are hereby restorable, according to the true intent and meaning of this act to any ancient proprietor, or his heirs or assigns, and the which have been vested or mentioned, or supposed to have been vested in your majesties said royal father and brother, or either of them, by vertue of both, or either of the said acts of settlement, and explanatory acts, or resolution of doubts, or by vertue of any of the said attainders or outlawries, which are herein before repealed and made void, or mentioned to be repealed or made void; but that all and every person and persons, whose titles, or whose ancestors titles were hitherto thereby barred, forfeited, or any way prejudiced or interrupted, shall and may be restored thereunto, according to their ancient rights and title, as herein before to that purpose is expressed or intended. Provided always, and be it further enacted by the authority aforesaid, that nothing in this present act contained shall any way extend or be construed to extend to forfeit to, or vest in your majesty, your heirs or successors, any remainder or remainders, reversion or reversions, for valuable consideration, limited or settled by any settlement or conveyance made for such valuable consideration, either of marriage, or marriage-portion, or other valuable consideration whatsoever upon any estate, for life or lives, to any person or persons, who have not, nor shall not aid, abett or assist any person or persons

in the usurpation or rebellion aforesaid, such remainder or remainders, reversion or reversions as are limited by any conveyance, wherein there is no power for revoking or altering all or any use or uses therein limited : And also such remainder and remainders, reversion and reversions as are limited upon any settlement or conveyance of any lands, tenements and hereditaments, commonly called plantation lands, and all lands, tenements and hereditaments held or enjoyed under such grants from the crown, or grant upon the commission or commissions of grace for remedy of defective titles, either in the reign of King James I. or King Charles I. in which several grants respectively, there are proviso's or covenants for raising and keeping any number of men and arms for the king's majesty against rebels or enemies, or for raising of men for his majesty's service for expedition of war always excepted and foreprized ; all which remainders and reversions, limited by such conveyance, wherein there is a power of revocation for so much of the lands, uses and estates therein limited, as the said power doth or shall extend unto, and all such remainders as are derived or limited of plantation lands, or other lands held as aforesaid under such grants made by the crown, shall by authority of this present parliament be deemed, construed, and adjudged void, debarred and discharged to all intents and purposes whatsoever against his majesty, his heirs and successors, and his or their grantees or assigns ; and the said lands, tenements, and hereditaments belonging to such rebels as aforesaid, shall be vested in his majesty, his heirs and successors, freed and discharged of the said remainder and remainders, and every of them ; and to the end the reversions and remainders saved and preserved by this act may appear with all convenient speed, Be it enacted by the authority aforesaid, that the respective persons entituled to such remainders, do within sixty days next after the first sitting of the commissioners for executing this act, exhibit their claims before the said commissioners, and make out their title to such remainder or remainders, so as to procure their adjudication, and certificate for the same, or the adjudication and certificate of some three or more of them. And further, that all remainders, for which such adjudication and certificate shall not be procured at, or before one hundred and twenty days after the first sitting of the said commissioners, shall be void, and be for ever barred and excluded, any thing in this act or other matter to the contrary in any wise notwithstanding ; nor shall this act extend to vest in your majesty, or bar any remainders limited to Dudley Bagnel, Esq. upon the particular estate of Nicholas Bagnell of Newry, Esq. in Newry, the lordship and lands of Mourne, and all other mannors and lands now, or lately belonging to the said Nicholas Bagnell in the kingdom of Ireland ; provided the same be such a remain-



der as was not, or is not in the power of the said Nicholas Bagnell to bar. And forasmuch as we, your majesties most loyal and dutiful subjects, always have been, and for ever intend to be more studious and industrious to secure and advance your majesties revenue, than to lessen or diminish the same : And whereas the quit-rents or king's rents reserved or now payable unto your majesty, your heirs and successors, would determine by repealing the said acts, if some provision were not made to continue the same ; Be it enacted by the authority aforesaid, that all lands and tenements, which by the said acts of settlement and explanation, were charged with, or made liable to quit-rents, shall be and hereby are charged with, and made liable to the same, or the like quit-rents, to be paid to your majesty, your heirs and successors, as in and by the said acts of settlement and explanation were appointed and directed, saving and reserving and excepting the quit-rents due and payable, and due out of the Earl of Antrim's estate, which were granted to the late Earl of St. Albans, and saving and excepting all such lands and tenements, whereof the quit-rents have been by letters patents under the broad seal of England or Ireland, granted or released to the ancient proprietor, or proprietors thereof, or to some person or persons in trust for them, or reduced into the hands of the ancient or new proprietor, since the acts of settlement and explanation, by reason of barren or unprofitable ground, whether such reducement was by patent under the broad seal, or certificate or other order of commissioners, having power to reduce the same ; which lands and tenements are for the future to be charged only with such quit-rents or crown-rents as are by such letters patents, certificates, and orders respectively reserved and specified. And further, that all lands which immediately before the passing of this present act were not liable to any quit-rents, and shall be by or pursuant to the present act restored to the ancient proprietor thereof ; and likewise all lands within this kingdom, which being vested in your majesty by this present act, or by or upon account of the present rebellion, or of any treason committed by any person since the first day of August last, shall be distributed or given out for reprisals by the commissioners for executing this act, or otherwise granted by your majesty, your heirs and successors, to any person or persons, bodies politique or corporate, shall be and are hereby charged with and made liable to the same, or the like quit-rents to be paid to your majesty, your heirs and successors, as in and by the said acts of settlement and explanation, were appointed or directed to be paid out of any other lands in the respective provinces where such lands do respectively lie ; so that the rent formerly reserved to the crown, or such lands, exceed not the rent hereby reserved ; but where the rents formerly re-

served do exceed the rent hereby to be reserved, the said former rents only shall be paid. And be it further enacted by the authority aforesaid, that all arrears of the said quit-rents reserved by the said former acts, which were due to your majesty on the first day of May, 1689, shall be answered and duly paid to your majesty, and that your majesty shall and may recover and levy the same in such manner, and by all such ways and means as you might have done, if this present act had never been made, any thing in this act contained to the contrary notwithstanding. And in regard the mesne profits of the said ancient estates, which are hereby restorable, are to be discharged, as hereafter expressed, be it further enacted by the authority aforesaid, that all interests of money for any debt or debts contracted before the 23d of October, 1641, and wherewith the estate of any person restorable by this act may be chargeable, be and are hereby discharged and released for such time as the person or persons, who should have paid the said debts, were barred and kept out of their estates by the said acts of rebellion; but the original debts are not to be discharged by this act. And be it further enacted by the authority aforesaid, that no persons restorable by virtue of this act shall sue for, or recover any mesne profits of the estate so restorable, but only for such mesne profits as shall accrew or grow due after his demanding possession, or commencing since for the lands so restorable after the passing of this act. And be it further enacted by the authority aforesaid, that the estate or estates to be set out or allotted to any person or persons by way of fore-prizals by virtue of this act, or any other estate which he or his heirs shall have, shall be lyable and subject to all such judgments, statutes and recognizances for payment of money, rent-charges, annuities, mortgages, dowers, and all other estates, uses, trusts, limitations, settlements, charges and incumbrances of the persons so reprized or removed, in such manner as the estate from which he shall be so removed, would be lyable in case he never were removed from the same; but in case any person hereby removeable to make room for an old proprietor, be a forfeiting person, or is not intitled to have reprizal, then in such case it is hereby declared and enacted, that all and every person and persons, who before the 7th day of May, 1689, had any such incumbrances as before is expressed, or any judgment at any time before the 22d day of May, 1689, on the said estate hereby restorable to the old proprietor, shall and may have reprizals for the same out of the common stock of reprizals, at the rate of ten years purchase: Provided always, that such incumbrances, or the reprizals to be had or allotted for the same, shall not exceed the value of the estate which was lyable thereunto, and which is restorable to the old proprietor thereof, or to his heirs or assigns. And be it further

hereby enacted, that where any old proprietor, or his heirs, who had or held any new estate by transplantation, or otherwise, by or under the said acts hereby repealed, or any of them, shall by virtue of this present act be removed from the same, that then, and in such case, the ancient estate of such old proprietor, or his heirs, shall be restored. And likewise all such other estate which such ancient proprietor, or his heirs by descent in fee under him, shall have, shall be, and is hereby made assets for the ancestors debts, and lyable to make satisfaction for all such judgments, recognizances, and statutes for payment of money, and also for all rent-charge, annuities, mortgages, and all other estates, uses, trusts, limitations and settlements, charges and incumbrances of the said old proprietor and his heirs, in such manner as the said new estate from which he or they shall be so removed would have been liable in case he or they were never removed from the same, except the leases made by such persons who are to be restored to the lands they or any of them were seized or possessed of. And furthermore, for the prevention of the great inconveniencies, which may happen by the sudden removal of the lessees, farmers or under-tenants, from the lands, tenements or hereditaments whereof they are now in actual possession, and which are hereby to be restored to the ancient proprietors thereof, their heirs or assigns; Be it further enacted by the authority aforesaid, that all such leases in writing, of the lands, tenements and hereditaments hereby restorable, and which were made before the first day of May, 1688, meerly in consideration of rents, duties, or other valuable yearly reservations, and not in consideration of any fine or incumbrance, or of blood or affinity, and by virtue whereof the lands, tenements and hereditaments thereby demised, are at this time enjoyed and held by the present terr-tenants and occupiers thereof, be, and are hereby made good and confirmed by the said terr-tenants and occupiers, for and during so much of the term or time in such lease or leases limited and expressed, as shall not exceed the number of twenty-one years, or three lives yet to come and unexpired, and for all the lands, tenements and hereditaments thereby demised, except that messuage or tenement which in the year, 1641, was the mansion house of the old proprietor, or his assigns; and except also the demesne thereunto belonging (that is to say) the town and lands whereon the said mansion-house then stood; and the said tenant and lessee, and his executors, administrators and assigns for the lands, tenements and hereditaments so by them to be held and detained by virtue of such lease or leases, are to pay the yearly rent and duties thereout reserved, or their just proportion thereof, to the said the ancient proprietor hereby restorable, and to his heirs and assigns, and to give him or them copies or counterparts of



the said lease or leases, and their own obligations for performance thereof, or otherwise to accept of a new lease for the lands, tenements and hereditaments so to be enjoyed, and under the like rent proportionably, and for such time or term as shall be then unexpired of the said former demise; And whereas in some cases the lease or leases which such lessee or lessees had, might have been very beneficial leases for a great term, and originally made in consideration of fines by them given to their lessors for the same, or in respect of improvements; and as it is unequitable on the one side, that such lessees should lose their fines, bargains and improvements, without satisfaction for the same, so it is on the other side unreasonable, that the old proprietor, who hath been hitherto kept out of his estate, and is hereby barred from the mesne profits thereof, should be obliged to bear the loss and damage of leases so made, at an under rate and low value: Be it therefore enacted by the authority aforesaid, that the said lessor, his heirs or assigns who is to be reprized for the said lands, shall out of the lands which shall be to him granted by way of reprizal, make and perfect unto the said lessee, his executors, administrators or assigns, a lease of lands of the like value; and for such term or time of the said former lease as will be unexpired at the removal of the said lessor, and that the said new lease shall be under the like rents, reservations, covenants and conditions, as in the said former lease were expressed; but in case the said lessor be a forfeiting person, and not reprizable by this act, then the said lessee and lessees shall be reprized for their said leases out of the common stock of reprizals, according to the methods herein before set forth; but such leases in possession, and not now in any forfeiting person, as were made by your majesty of the lands held by your majesty under the title of the said acts, are to stand good and effectual at the election of the lessees, their executors, administrators, or assigns, and the rent and reservation thereof, to devolve and come to the old proprietors thereof, and particularly one lease bearing date the first day of April, 1675, made by your majesty unto John Keating, Esq. for the term of twenty-six years, to commence from the first day of May then next ensuing the date thereof, of the town and lands of Blackrath in the county of Kildare, under the yearly rent of 81*l.* 15*s.* sterling, shall in like manner stand good and effectual, notwithstanding any sale made by your majesty unto him the said John, of the inheritance of the said lands, or any merger of the said lease, but the reversion and rent of the said lands so leased, is hereby to come to the old proprietor thereof, his heirs and assigns. Provided always, and be it enacted by the authority aforesaid, that all and every person and persons who is, or are at the time of passing this act, seized or possessed of any houses, messuages, mannors, lands, tenements

and hereditaments, within this kingdom of Ireland, and who are by virtue of this act, or any clause therein contained, to be removed from the seizin or possession thereof, or of any part thereof, shall have such reasonable and competent time given and allowed him or them for the removal of themselves, their families and stocks, as the commissioners for execution of this act, or any three of them, shall think fit and appoint, not exceeding one year from the first day of May, 1689, and the same to be under such competent rent, as the said commissioners shall think fit to be paid to the person or persons, his and their heirs, executors and administrators, who is, or are by this act restorable to the said houses, messuages, mannors, lands, tenements and hereditaments, any thing in this act, or any other matter or thing to the contrary thereof in any wise notwithstanding. Provided also, and be it further enacted by the authority aforesaid, that all and every person and persons who sow any corn or roots in any lands, tenements and hereditaments, whereof they or any of them, are now at the time of passing of this act seized or possessed, shall have, perceive, and take the full benefit and advantage thereof, and have free liberty of ingress, egress and regress, for the making up and preserving, and of carrying away and disposing of the said corn and roots, or any part thereof, as he or they shall think fit, he or they paying or allowing for the same to such person or persons as shall be restored to the said land so sowed with corn and roots, according to the custom of the country. And whereas there are divers poor and distressed widows and relicts, whose deceased husbands, had they been alive, would have been restorable by this act, and been thereby enabled to leave some maintenance to their said widows and relicts ; but in regard their said deceased husbands, by means of the several acts and other matters herein before expressed and repealed, were kept from any seizin or possession of the estates, which should of right be enjoyed by them, and for want of such seizin, the said widows and relicts are not by the common law of this land entituled to any dower, and therefore are in danger of perishing : Be it therefore enacted by the authority aforesaid, that the want of such seizin shall be no bar or prejudice to the widows and relicts aforesaid, but that every widow and relict, whose husband, if living, would or might be restorable by this act, shall and may have and recover such dower or proportion of her said husbands estate as she might recover by the common law, if her said husband had a seizin in deed or in law thereof, and the commissioners for restitution herein appointed, or to be appointed, are hereby required to cause the same to be set forth and allotted ; or the said widows and relicts may, if they think fit, use and have their remedy at common law ; and if *ne unque seizie qui dower*, or any such plea, shall be pleaded against any of them, it shall be

sufficient for every such widow and relict to give in evidence, that the estate which her husband should have had, was kept out of him by any of the acts or matters herein repealed, was such whereof she might recover dower, in case he were actually seized, according to the estate to him limited ; and upon proving thereof, every such widow and relict shall recover, as well as if her said husband had been actually seized of the said estate ; but such widows and relicts as had or enjoyed any jointure to them limited, shall only have the benefit of such joyntures. Provided always and be it further enacted by the authority aforesaid, that all and every the honours, mannors, lands, tenements, remainder and remainders whereof Robert Lord Baron of Kingstowne, now is, or at any time heretofore has been lawfully and rightfully seized or possessed of in his demesne, as of fee or fee tayl, to or of any estate of inheritance in right of his ancestors (that is to say) of John Lord Baron of Kingstowne, or the Lady Katharine his wife, situate, lying and being in the counties of Cork and Roscomon, or elsewhere, within this kingdom, and which hath been settled upon, or limited unto the said John Lord Baron of Kingstowne by his father or grandfather, Sir John and Sir Robert King, or by any of them, or to the said John Lord Baron of Kingstowne, and the Lady Katharine his wife, or to either of them, by Sir W. Fenton, Kt. and Dame Margaret his wife, or either of them, and whereof the said Sir John or Sir Robert, or the said Sir W. Fenton were seized or possessed of respectively on the 22d of October, 1641, with all the rights, titles or interests, which they, or any of them respectively had thereunto, be and are hereby vested and settled in his majesty and his heirs, to be disposed of as his majesty shall think fit, subject nevertheless to such legal and equitable incumbrance, as the same would have been liable unto, in case this act had never passed ; any thing therein contained to the contrary notwithstanding. Provided always and be it further enacted by the authority aforesaid, that the capital messuage, town and lands of Chappellizard, alias Ized, with all other the appurtenances thereunto belonging, and every part and parcel now at the passing of this act, occupied, possessed and enjoyed as part or parcel thereof, and the capital messuage of the Phenix, and all the houses, messuages, lands, tenements and hereditaments within the kings park adjoyning unto, or near this city of Dublin, in as large, free and ample manner as the same is now at the passing of this act possessed and enjoyed by his majesty, or any person claiming by, from or under his majesty, shall be and are hereby vested in the kings majesty, his heirs and successors ; and shall be held and enjoyed by his majesty, his heirs and successors ; any thing in this present act, or any other matter or thing whatsoever to the contrary in any wise notwithstanding. And in case any ancient pro-



prietor or proprietors thereof, hath, or have not been already satisfied for his or their interest therein, that then such ancient proprietor or proprietors shall be reprized according to his title and interest in the said lands out of the forfeited lands, according to the rules of this act: Provided always and be it enacted by the authority aforesaid, that the lord chief justice of his majesties court of Kings-Bench, the lord chief baron of his majesties court of exchequer, and the master of the rolls, or any other of his majesties officers of this kingdom for the time being shall and may have and receive such port-corn of the several rectories which have been formerly paid and received; any thing in this present act, or any other matter or thing whatsoever to the contrary in any wise notwithstanding. And whereas in pursuance of an agreement made and concluded between Richard late Earl of Clanrickard and Charles Lord Viscount Muskery, and Margaret Viscountess Muskery his wife, heir general of Ulick late Lord Marquess of Clanrickard, several provisions have been made and enacted in the said acts of settlement and explanation for settling the estate of the family of Clanrickard; since which time several deeds, conveyances, settlements, provisions, writings, decree, award and agreements of, and concerning the honour, mannor, lands, tenements and hereditaments belonging to the said family, or whereof William late Earl of Clanrickard was seized or possessed, were made and perfected by the said William late Earl of Clanrickard, or by his children after his decease, or with their consent, which are not intended to be weakened or avoided by this act; Be it therefore enacted by the authority aforesaid, that the said several deeds, conveyances, settlements, provisions, writings, decrees, awards, agreements, according to the several and respective estates, uses, trusts, remainders, limitations and provisions, therein mentioned, shall be and remain firm, valid in law according to the said award lately made between the family of Clanrickard and the limitations and uses therein set forth: and that the several deeds, conveyances, settlements, provisions, writings, decree and award to the uses and limitations in the said award be of the same force and vertue, and in the same plight and condition to all intents and purposes, as if this present act had never been made against the heir general of Ulick, late Lord Marquess of Clanrickard, Richard late Earl of Clanrickard, and all persons claiming by, from or under them, their ancestors, or any or either of them, any thing in these presents to the contrary notwithstanding; saving the right, title and interest of all purchasers and strangers, their heirs, executors, administrators and assigns. And whereas the right honourable Hellen Countess of Clanrickard having heretofore her dower of the estate of her deceased husband John Fitz Gerald, Esq. set out unto her, in which dower several parcels of

lands were comprized, that did belong in October, 1641, to old proprietors restorable by this act; It is hereby enacted, that the said Countess shall be reprized out of the other two thirds of the said estate late in the seizen of Edward Villiers, Esq. and Katharine his wife, in lands of equal value, worth, and purchase, that shall be forfeited to his majesty for and during the life of the said Countess, to supply what shall be *bona fide* evicted from her by any such old proprietors. And whereas by a particular proviso in the act, commonly entituled, “An act for the better execution of his majesties gracious declaration for the settlement of this kingdom of Ireland, and satisfaction of the several interests of adventurers, soldiers, and others his subjects there:” It is amongst other things enacted, that Theobald late Earl of Carlingford shall have, hold, possess and enjoy, to him and his heirs, all those the lands, mannors, tenements and hereditaments in the county of Louth, whereof the said Theobald late Earl of Carlingford, upon the first day of August in the year 1661, was possessed or set out, assigned or granted to the said Theobald by way of Custodium, or otherwise, in order to a further settlement thereof to and on the said Theobald Earl of Carlingford, and his heirs, for and in lieu of the estate of Colooney in the county of Sligo; and also, that the said Theobald Earl of Carlingford shall have and enjoy to him and his heirs, the mannors, lands, tenements and hereditaments, whereof Christ Tuaffe of Braganstowne, and Theoph. Tuaffe of Cookstowne, or either of them, or any of their ancestors, or any other person or persons to their use, or in trust for them or any of them, stood seized or possessed upon the 22d of October 1641. And whereas the said mannors, lands, tenements and hereditaments are by this present act to be restored to the ancient proprietors thereof, or unto their heirs or assigns; And also several other lands granted unto the said Theobald Earl of Carlingford and his heirs, lying and being in the county of Meath, Sligo, and Typperary, whereby Nicholas now Earl of Carlingford will be a great sufferer, if not otherwise provided for by this act: Be it therefore enacted, and it is hereby further enacted by the authority aforesaid, that the commissioners for executing of this act shall forthwith set out in reprizals other mannors, lands, tenements and hereditaments, forfeited unto, and vested in his majesty by vertue of this act, or upon account of any attainder of treason, of equal value, worth and purchase with the mannors, lands, tenements and hereditaments from which the said Nicholas Earl of Carlingford, or his heirs are to be removed or dispossessed of by vertue of this present act, and which were held by the said Nicholas Earl of Carlingford, by vertue of the said acts of settlement and explanation or either of them, or by patent or patents upon the said acts, and all and singular which lands and

premises so set out in reprizal, the said Nicholas Earl of Carlingford shall hold to him and his heirs, at and under the same or like tenure, rents and services, as all purchasers are to hold by this act the reprizal set out to them or any of them, and subject to such mortgages, charges and incumbrances, as the lands from whence he or they are to be removed, were and are at the time of the passing of this act ; any thing in this present act, contained, or any other matter or thing to the contrary thereof, in any wise notwithstanding. Provided always and be it further enacted by the authority aforesaid, that this act or any thing herein contained, shall not be construed or expounded in any courts, either in law or equity, to vest in the king's most excellent majesty, his heirs or successors, or otherwise bar any remainder or remainders, or any right, title or interest whatsoever, that ought to have descended or come, or which shall or may hereafter descend or come upon or to Frances Lane now wife to Ulick Lord Viscount Gallway, by vertue of any deed, will or other writing, whatsoever, made and executed by George Lord Viscount Lanesborough deceased ; and all the right, title, and interest whatsoever, in respect of the premises, be saved to the said Ulick Lord Viscount Gallway and Dame Frances his wife, this act, or any thing therein contained to the contrary in any wise notwithstanding. Always excepted such lands, tenements and hereditaments as were at any time withheld or detained from the ancient proprietor or proprietors on account of any title derived or pretended to be derived from or under the said acts of settlement and explanation or either of them, and not under the proprietor or his heirs. And whereas by a particular proviso in the act commonly entitled, " An act for the better execution of his majesties gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the several interests of adventurers, souldiers, and others his subjects there." It is amongst other things enacted that the town of Mullingar in the county of West-Meath, with all the houses, castles, lands, tenements and commons thereunto belonging and forfeited to his late majesty Charles the Second of happy memory, should be and were by the said act settled upon the late Earl of Granard and his heirs, by the name of Sir Arthur Forbes, Bart. according to a grant thereof passed to him by letters patents under his said late majesties great seal of Ireland, bearing date the 27th day of July in the thirteenth year of his said late majesties reign : And whereas the said Earl of Granard hath in consideration of a considerable marriage portion, settled the said town of Mullingar, with all and singular the premises, on Arthur now Lord Forbes eldest son of the said Earl of Granard : And whereas the said town of Mullingar, and all other the premises, with their and every of their appurtenances,



are by this present act to be restored to the ancient proprietors thereof, or unto their heirs or assigns, whereby the said Arthur Lord Forbes will be a great sufferer, if not otherwise provided for by this act. Be it therefore enacted, and it is hereby further enacted by the authority aforesaid, that the commissioners for execution of this act, shall forthwith set out in reprizal other manors, lands, tenements and hereditaments forfeited unto and vested in his majesty by vertue of this act, or upon account of any attainder of treason of equal value, worth and purchase with the said town of Mullingar, and other the said lands, tenements and hereditaments from which the said Arthur Lord Forbes or his heirs, are to be removed or dispossessed by vertue of this present act, or any clause or matter therein contained: All and singular which lands and premises, so set out in reprizals, the said Arthur Lord Forbes shall hold to him and his heirs, at and under the same, or like tenures, rents and services as all purchasers are to hold by this act of the reprizals set out to them, or any of them, any thing in this present, or other matter or thing to the contrary thereof in any wise notwithstanding. And be it further enacted by the authority aforesaid, that whereas Francis Plowden, Esq. is and for several years past has been seized in fee of several houses, back-sides, wast plots, and gardens, lying and being in the city of Dublin, and town of Galloway, by and under the last will and testament of dame Katharine Plowden, relict of Sir Daniel Treswel, Knight, deceased, he the said Francis Plowden having paid above two thousand pounds sterling in debts and legacies out of the said demised premises pursuant to the said will, that the said commissioners for executing of this act shall forthwith set out and allow in reprizal unto the said Francis Plowden, his heirs and assigns, to his and their use, lands, tenements and hereditaments, of equal value, worth and purchase with the said several houses, wast plots and gardens for which the said Francis Plowden, his heirs or assigns, is or are to be removed, for restoring the ancient proprietor by this act, any thing herein contained to the contrary notwithstanding: Provided always, that John Brown, Esq. his heirs and assigns, shall in trust for his creditors, and for support of his iron-works, which are of publick advantage to your majesty and this kingdom, have, hold and enjoy all and every the furnaces, store-houses, mills, dwelling-houses and gardens, and other improvements, built or made by him, or on his account, in the county of Mayo, for his own, his clerks and workmens' dwelling houses and conveniences to attend the said works; and also all dams built by the said John Brown for support of the said works, with power for repairs, as heretofore usually done, and next the said works, and most contiguous unto them, so much of the lands, which by the rules of this act

would be taken away from the said John Brown, or his heirs, and restored to the ancient proprietors, as is or shall be necessary for the gardens, dwelling-houses and grazing for the cattle and horses of the several clerks, workmen and labourers, employed or to be employed by the said John Brown about the said works ; and the commissioners for executing of this act are hereby empowered for to ascertain the quantity and rates of the said lands that shall be necessary for the said Brown, his clerks, dwellers, workmen and labourers to be employed about the said works respectively, as aforesaid, and to order and appoint such rents to be paid yearly to the ancient proprietors and their heirs, by the said John Brown and his heirs, out of the said lands, as they shall think fit, regard first only being had to the intrinsical value of the said lands. And whereas Martin Supple, Esq. having been restored as an innocent by the commissioners for execution of the said acts of settlement to the ancient estate of his ancestors in the lands and tenements of Ightermurramore, Ightermurrabegg, Ballintoondung, Ringlass, Ballinenirnaugh, and other lands in the barony of Imokelly, and county of Cork ; after which restitution, suit or contest being commenced or moved by Roger late Earl of Ossery, who pretended a title to the said lands under the late usurped powers ; and whereas the said Martin Supple not being able to withstand the power of the said Earl, was necessitated to purchase his peace and quiet, by conveying or exchanging his said ancient estate unto the said earl, and to accept for the same the lands of Drommodimore, Drommadibegg, Parnahelly, Boughallane in the said barony and county, which lands were held by the said Earl, under the titles of the said acts of settlement and explanation, or one of them, and therefore by this present act are restorable to the ancient proprietors thereof : Be it therefore enacted by the authority aforesaid, that all conveyances and assurances made by the said Martin Supple to the said Earl of the said ancient estate, or of any part thereof, be and are hereby annulled and made void to all intents and purposes, whatsoever : And that the said Martin Supple be and is hereby restored to the said ancient estate, and shall and may hold and enjoy the same, according to such estate and title as he had therein before the said conveyance and exchange thereof, made subject, and liable to all remainders, uses, trusts, limitations, and all other estates, charges and incumbrances, as the said estate or lands from the said Martin Supple is to be removed, were or ought to have been liable unto, any thing herein to the contrary notwithstanding. Provided always and be it further enacted by the authority aforesaid, that this act, or any thing therein contained, shall not be construed or adjudged to vest in your majesty, or to bar any remainder or remainders limited to Colonel Richard Butler, or to any of his sons, upon the respec-

tive particular estates limited to James Duke of Ormond and his brother, in and of the ancient estate, which on the 21st day of October, 1641, did rightfully belong unto James late Duke of Ormond deceased, or the lady Dutchess his wife, and the same to be subject to all incumbrances whereunto the same ought to be liable, in case this act were never made. Provided always, that the remainder so limited to the said Colonel Richard Butler and his sons, be such as is not, or was not in the power of the said James now Duke of Ormond, and of his said brother, or of either of them to bar. And be it further enacted by the authority aforesaid, and it is hereby declared to be the true intent and meaning of this act, that all lands, tenements and hereditaments, uses, trusts, possession, reversion or remainder, chattel real, and all and every other estate, either law or in equity, of what nature or kind soever within this kingdom, which on the said first day of August, 1688, or at any time since, did belong or appertain to the society, governors and assistants, of the new London, plantation of Ulster in the kingdom of Ireland, or to any other body politick or corporate, deriyed unto them, or composed or consisting of any the citizens of London, by whatsoever name or names the same, or any of them are called, be and are hereby vested in your majesty, your heirs and successors, as from the first day of August 1688, and to be part of the stock of reprizals herein before mentioned, saving always the right, title, estate and interest of the corporation of the mayor, commons and citizens of London-Derry and Colerain. And whereas several wast plots of ground within several cities, towns and burroughs, or the suburbs thereof within this kingdom, at the publick charges of the several free-holders and inhabitants of the several and respective counties, cities, towns and boroughs, have been purchased from the then proprietors, or reputed proprietors thereof, and great sums of money laid out and expended by them in building of session-houses, gaols, houses of correction, and other publick conveniences thereunto belonging, upon the said wast plots of ground, for the publick good and advantage of this kingdom; And whereas the said wast plots of ground, or some of them so purchased and improved upon, may by this present act, to the great prejudice of this commonwealth, be restored unto the old proprietors thereof, if not by some special clause or proviso prevented: Be it therefore enacted by the authority aforesaid, and it is hereby enacted, that all the lands, tenements and hereditaments so purchased, as aforesaid, and whereupon any session houses, gaols, houses of correction are built, shall be and are hereby vested in your majesty, your heirs and successors, to the use herein after expressed; and that the several and respective old proprietors of the said wast plots of ground, shall by the commissioners for execution of this act be forthwith



reprized for the same out of some of the forfeited lands, vested in your majesty, your heirs and successors by vertue of this act, of equal value, worth and purchase with the said wast plots of ground, before any buildings or improvements made thereupon, to have and to hold the said lands to be set out in reprizals, and them and every of them, their heirs and assigns, at or under the same, or like tenures, rents and services, as all purchasers are to hold by this act, the reprizals set out to them, or any of them, any thing in this present act, or any other matter or thing to the contrary thereof in any wise notwithstanding. Provided always, and it is hereby declared, that such of the wast plots so built upon, as did not formerly belong unto, and were the consecrated ground or site circuit and ambits of any monastery, abby, or other religious house, shall be and remain vested in your majesty, your heirs and successors, to the said publick uses for which the same were so purchased and built upon: And as to all such of the said wast plots so built upon as did formerly belong to, and was the consecrated ground or site, circuit and ambits of any monastery, abby, or other religious house, the same shall be and remain vested in your majesty, your heirs and successors, to be disposed of to such pious or charitable uses, as your majesty, your heirs and successors shall think fit: And whereas some meriting persons, who are to lose considerable estates by this act, might by the foregoing rules be entituled to small or no reprizals, but by their eminent services may in a special manner merit your majesties grace and favour: Be it enacted by the authority aforesaid, that your majesty may in such special cases set forth and grant reprizals to such meriting persons, as by your majesties letters, under your majesties privy signet or sign manual, order the commissioners for executing this act to set forth reprizals for them; and likewise, if your majesty shall so think fit, to appoint and ascertain where and what lands shall be set out to them.

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## No. XLVIII.

AN ACT FOR THE ADVANCE AND IMPROVEMENT OF TRADE, AND  
FOR ENCOURAGEMENT AND INCREASE OF SHIPPING, AND NAVI-  
GATION....PAGE 163.

WHEREAS this kingdom of Ireland, for its good situation, commodious harbours, and great quantity of goods, the growth, product, and manufactory thereof, is, and standeth very fit and convenient for trade and commerce with most nations, kingdoms

and plantations ; and several laws, statutes and ordinances, having heretofore been made, and enacted from time to time, prohibiting and disabling the king's subjects of this realm, to export, or carry out of this kingdom, unto any other the king's islands, plantations, or colonies, in Asia, Africa, or America, several of the goods, wares, merchandizes, and commodities of this nation ; or to import into this kingdom, the goods or merchandizes of the said plantations, colonies and islands, without landing or discharging in England, Wales, or the town of Berwick upon Tweed, under great penalties and forfeitures, not only to the decay of the king's revenue, but also to the very great prejudice and disadvantage of all the inhabitants in this kingdom, as well subjects as strangers ; and which hath in a high measure contributed to impoverish this kingdom, and discouraged several merchants, traders, and artificers, to come from abroad, and dwell, and trade here : And whereas, the encrease of shipping, and the encouragement of navigation, under the good providence of God, and the careful protection of his sacred majesty, are the best and fittest means and foundations, whereon the wealth, safety and strength of this island and kingdom, may be built and established. Be it therefore enacted, by the king's most excellent majesty, with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled ; and by the authority of the same, that it shall and may be lawful to and for his majesties subjects of this realm of Ireland, and to and for every other person and persons, of what nation soever, residing and inhabiting here, during the time of such residence, freely to trade into, and from all and every his majesty's plantations, colonies and islands, in Asia, Africa, and America, and to export from this kingdom, and carry unto all and every the said plantations, colonies, and islands, and there sell, dispose of, and barter all sorts of goods, wares, merchandizes and commodities, as well of the growth, product, or manufactory of this kingdom, as of any other part of Europe, commonly called European goods, and import, and bring into this kingdom of Ireland, all sorts of goods, wares, merchandizes, and commodities of the growth, product, or manufactory, of all or any the said islands, colonies and plantations, without being obliged to land or unload in England, Wales, or the Town of Berwick upon Tweed, or entring all or any such goods, wares, or merchandizes there ; but as herein after is expressed, and without being obliged upon shipping, or taking on board, in the said plantations, colonies, or islands, the said commodities, to enter into any bond, to bring the said goods into England, Wales, or Town of Berwick upon Tweed, and to unload and put the same on shoar, any act, statute, ordinance, law, sentence, or judgment, at any time heretofore made,

given, or in force, to the contrary notwithstanding: Provided always, that the master or owner of all and every such ship and ships, vessel or vessels, so trading from this kingdom, unto all or any the said islands, colonies, or plantations, his or their agent or factors shall, and do before such ship or ships, vessel or vessels, sail from any part of this kingdom, towards the said islands, colonies, or plantations perfect, and enter into a bond, with one sufficient security, to the use of the king, and to be perfected to the collector, or chief custom-house officer of such port or place, whence such ship or vessel is to sail, in such a reasonable sum, as such collector, or custom-house officer, shall require, regard being had to the value of such cargoe, as the said ship or vessel shall export, with condition to bring the goods, wares, and merchandizes, which such ship or vessel shall take in, at all or any the said plantations, colonies, or islands, into England, Ireland, Wales, or Town of Berwick upon Tweed, and to no other place, and there to aboad and put the same on shoar, the dangers of the seas only excepted: Be it likewise enacted, by the authority aforesaid, that all goods and merchandizes whatsoever, which shall be carryed, conveyed, or exported out of this kingdom of Ireland, to the said islands, colonies, and plantations, shall be lyable, and pay to the king's majesty, his heirs and successors, in the said islands, plantations and colonies, the same or so much customs, excise, or other duties, as the like goods or merchandizes being exported out of England, into all, or any the said plantations, colonies, or islands, and all goods or merchandizes imported into this kingdom, out of all or any the said islands, colonies and plantations, (tobacco and sugar only excepted) shall pay in this kingdom to the use of the king's majesty, his heirs and successors, the same or like duties, custom and excise, and no more or other, and in such manner, and at such time, and subject to such penalties and forfeitures, for non-entry, undue-entry, or non-payment of duties, as in the like acts of parliament made in this kingdom, in the fourteenth or fifteenth years of the reign of the late King Charles the Second; the one, intituled, "An act for settling the subsidy  
 " or poundage, and granting of subsidy of tunnage, and other  
 " sums of money unto his royal majesty, his heirs and successors; the same to be paid upon merchandize, imported and  
 " exported into, or out of the kingdom of Ireland, according to  
 " a book of rates hereunto annexed;" and the other, intituled,  
 " An act for the settling of the excise, or new im-post, upon his  
 " majesty, his heirs, and successors, according to the book of  
 " rates therein inserted, and as in the said book of rates, and as  
 " in the rules, orders, and directions, to the said acts and books  
 " of rates annexed, are contained and specified:" And whereas, the duties, and custom, and excise, on tobacco, of the king's



majesties plantations, imported into this kingdom, amount to no more, according to the said two late acts of parliament in this kingdom, and books of rates to them annexed, but to two pence per pound, which is too small a duty. Be it therefore enacted, by the authority aforesaid, that all tobacco of the growth, or product of all or any his majesties new plantations or islands, or any plantations belonging to his most christian majesty, imported into this kingdom, out of all or any the said plantations and islands, shall from and after the eighteenth day of July, 1689, be charged, and lyable to pay unto his majesty, his heirs, and successors, the sum of five pence sterling for each pound, custom, and excise, (that is to say) two pence for each pound custom, and three pence for each pound excise, and no more, provided always, that Spanish and Brazill tobacco shall pay the same duty of custom, and excise, as formerly; and that likewise, tobacco of that growth or product of the kings plantation, or any of the foreign plantations belonging to his most christian majesty, imported into this kingdom out of England, or any other part of Europe at any time, from or after the eighteenth day of July, 1689, shall pay and satisfy unto the king's majesty, his heirs and successors, the sum of two pence, sterling, custom, for, and out of each, and every pound, and the sum of two-pence halfpenny, sterling, excise for and out of each pound, and no more. And, that sugars, indicoe, log-wood, imported into this kingdom out of England, shall pay and satisfy unto the kings majesty, his heirs, and successors, (viz.) white sugar coming from England, ten shillings custom, and ten shillings excise, for every hundred weight, and no more; brown sugar, the sum of two shillings, six pence sterl. custom, and the like sum of two shillings six pence sterling excise for each hundred weight, and no more; indicoe, the sum of two pence per pound excise, and two pence custom for each pound, and no more; And log-wood, five shillings, sterling, excise, and five shillings, sterling, custom, for each hundred weight, and no more; The said duties, customs, and excise to be paid in such manner, and under such pains and forfeitures, and with such allowances, as in the aforesaid two acts and books of rates, orders, and directions are expressed and contained. And for the further encouragement and advance of the said plantation trade, and for maintaining a greater, and more firm correspondence and kindness between the subjects of this kingdom, and the planters, and inhabitants of the said plantations and islands; Be it enacted, by the authority aforesaid, that whatsoever goods or commodities of the growth, product, or manufactory of the said islands or plantations, shall be at any time hereafter unloaded, or landed, in any part of this kingdom, and shall pay or secure to be paid, the custom, duties, and excise on the said goods, due and payable, that at any time here-

after, within the space of one whole year, to commence from the day of such landing, it shall, and may be lawful to and for the merchant, owner or proprietor of such goods and commodities, his or their agents or factors, to export and carry out of this kingdom into any other nation, dominion or country, such and so much of the said goods and commodities so landed, as he or they shall think fit ; and that upon such exportation the whole excise of such goods, which was before paid, or secured to be paid for the same, and one half of the custom of the said goods before paid or secured to be paid, shall be re-paid or allow'd to such merchant, owner, proprietor, his or their factors or agents so exporting, and that within twenty days next and immediately ensuing the date and time of such exportation, tobacco only excepted. And for the more encouragement of building good and serviceable ships, be it enacted by the authority aforesaid, that any person or persons who shall within the space of ten years to commence the 24th of June, 1689, build, or cause to be built within this kingdom of Ireland any ship or vessel above twenty-five tun, and under one hundred tun burthen, shall and may for the first three voyages any such ship or vessel shall make out of this kingdom, upon the said ships or vessels return from such voyage back into this kingdom, have, receive, or be allowed to his and their own proper use one eighth part of the duties of customs and excise which shall be due or payable to the king, his heirs or successors, for and out of all the goods and commodities so imported in such ship or vessel upon the said three first returns, which such ship or vessel shall make into this kingdom. And likewise, that any person or persons, who shall within the said space of ten years commencing, as aforesaid, build or cause to be built in this kingdom any ship or vessel exceeding in burthen 100 ton, shall for the first four voyages such ship or vessel shall make out of this kingdom, and upon the said ship or vessels return from the said voyages back to this kingdom, have and receive to his and their own proper use one eighth part of the duties of custom and excise, which shall be due or payable to the king, his heirs or successors, for or out of the goods and commodities so imported into such ship or vessel upon the four first returns such ship or vessel shall make out of this kingdom. And to the end that masters of ships, sea-men, mariners, ship-wrights, carpenters, rope-makers and block-makers may be encouraged and invited to come and dwell in this kingdom, and that thereby navigation may improve and increase, be it further enacted by the authority aforesaid, that all and every masters of ships, and ship-wrights, ship-carpenters, sea-men, mariners, rope-makers, and block-makers, who are at present residing within this kingdom, or who shall or do at any

time from henceforth come and reside in this kingdom of Ireland, and shall pursue and follow his trade or calling, shall and may for the time and space of ten years after his or their so coming into this kingdom, be freed, exempted, and discharged of, and from all sorts of taxes, and cesses, watch, ward, and quartering of soldiers and officers in and throughout this kingdom: And shall likewise have and be allowed his and their freedom gratis in any town, city, sea-port, corporation or borough, where he or they shall please to reside, and pursue his or their calling or trade. And be it further enacted by the authority aforesaid, that in the respective cities and towns of Dublin, Belfast, Waterford, Cork, Lymerick and Galloway, there shall be established, erected and settled, before the first day of December, 1689, in each of the said towns and cities, and so continued for ever hereafter, a free school for teaching and instructing the mathematicks, and the art of navigation; in every of which schools there shall be placed and continued one or more able and sufficient master or masters for teaching and instructing the said arts: And that every of the said towns and cities shall out of the publick revenue and stock to them belonging, or otherwise, settle and secure a reasonable pension and stipend for such master or masters, to be paid them quarterly during his and their continuance in such employment or employments: Provided always, and be it further enacted by the authority aforesaid, that the said duties of custom and excise of tobacco of the growth or product of his majesties plantation, shall be and continue payable to his majesty, his heirs and successors, during the time, and so long as the now duties in England of custom and excise on tobacco, amounting to five-pence per pound, shall and do continue, and so long as this kingdom of Ireland shall have a free and open trade to and from the king's said foreign plantations, and no longer; and whensoever the said duties of five pence per pound custom and excise shall cease and determine in England, that then the duties of custom and excise, payable for tobacco imported in this kingdom before the making of this act, shall remain, and be payable for ever thereafter to his majesty, his heirs and successors, and no more or other, and this present duty to cease and determine. Provided likewise, that it shall and may be lawful to and for all and every person and persons so importing tobacco from time to time, and at all times hereafter, to export and carry out of this kingdom into any other nation or kingdom all or any part of the said tobacco imported, and that upon such exportation out of this kingdom, the whole duty of excise of the said tobacco, and three half pence per pound of the custom shall be allowed and re-paid the merchant, owner or proprietor, his or their agents or factors so exporting the said



tobacco: so that there shall be and remain to his majesty, his heirs and successors, but one half penny per pound custom for the said tobacco so exported.

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## NO. XLIX.

THE CIVIL AND MILITARY ARTICLES OF LIMERICK, EXACTLY  
PRINTED FROM THE LETTERS PATENTS, WHEREIN THEY ARE  
RATIFIED AND EXEMPLIFIED BY THEIR MAJESTIES, UNDER  
THE GREAT SEAL OF ENGLAND.....PAGE 164.

GULIELMUS et Maria Dei gratiâ, Angliæ, Scotiæ, Franciæ, et Hiberniæ, rex et regina, fidei defensores, &c. omnibus ad quos præsentēs literæ nostræ pervenerint salutem: inspeximus irrotulament.

Quarumd. literarum patentium de confirmatione, geren. dat. apud West-monsterium vicesimo quarto die Februaü, ultimi præteriti in cancellar. nostr. irrotulat. ac ibidem de recordo remanen. in hæc verba. William and Mary by the grace of God, &c. To all to whom these presents shall come greeting. Whereas certain articles, bearing date the third day of October last past, made and agreed on between our justices of our kingdom of Ireland, and our general of our forces there on the one part; and several officers there commanding within the city of Limerick in our said kingdom, on the other part. Whereby our said justices and general did undertake that we should ratify those articles, within the space of eight months, or sooner, and use their utmost endeavours that the same should be ratified and confirmed in parliament.

The tenour of which said articles is as follows, viz.

Articles agreed upon the third of October, one thousand six hundred and ninety-one, between the Right Honourable Sir Charles Porter, knight, and Thomas Conningsby, Esq. Lords Justices of Ireland; and his excellency the Baron de Ginckle, Lieutenant General, and Commander in Chief of the English army, on the one part.

And the Right Honourable Patrick Earl of Lucan, Piercy Viscount Gallmoy, Colonel Nicholas Purcel, Colonel Nicholas Cusack, Sir Toby Butler, Colonel Garret Dillon, and Colonel John Brown, on the other part;

In behalf of the Irish inhabitants in the city and county of Limerick, the counties of Clare, Kerry, Cork, Sligo, and Mayo.

In consideration of the surrender of the city of Limerick, and other agreements made between the said Lieutenant General Ginckle, the Governour of the city of Limerick, and the Generals of the Irish army, bearing date with these presents, for the surrender of the said city, and submission of the said army; it is agreed, that

1. The Roman Catholicks of this kingdom shall enjoy such privileges in the exercise of their religion, as are consistent with the laws of Ireland; or as they did enjoy in the reign of King Charles the Second; and their majesties, as soon as their affairs will permit them to summon a parliament in this kingdom, will endeavour to procure the said Roman Catholicks such further security in that particular, as may preserve them from any disturbance upon the account of their said religion.

2. All the inhabitants or residents of Limerick or any other garrison now in the possession of the Irish, and all officers and soldiers, now in arms under any commission of King James, or those authorized by him, to grant the same in the several counties of Limerick, Clare, Kerry, Cork, and Mayo, or any of them; and all the commissioned officers in their majesties quarters, that belong to the Irish regiments, now in being, that are treated with, and who are not prisoners of war, or have taken protection, and who shall return and submit to their majesties obedience; and they and every of them, shall hold, possess, and enjoy, all and every their estates of freehold and inheritance, and all the rights, titles, and interests, privileges and immunities, which they, and every or any of them held, enjoyed, or were rightfully and lawfully intitled to in the reign of King Charles the Second, or at any time since, by the laws and statutes that were in force in the said reign of King Charles the Second, and shall be put in possession, by order of the government of such of them, as are in the king's hands, or the hands of his tenants, without being put to any suit or trouble therein; and all such estates, shall be freed and discharged from all arrears of crown-rents, quit-rents, and other public charges, incurred and become due since Michaelmas, 1688, to the day of the date thereof. And all persons comprehended in this article, shall have, hold, and enjoy all their goods and chattels, real and personal, to them or any of them, belonging, and remaining either in their own hands, or the hands of any persons whatsoever, in trust for, or for the use of them, or any of them; and all, and every the said persons, of what profession, trade or calling soever they be, shall and may use, exercise, and practice their several and respective professions, trades, and callings, as freely as they did use, exercise, and enjoy the same

in the reign of King Charles the Second, provided that nothing in this article contained be construed to extend to, or restore any forfeiting person now out of the kingdom, except what are hereafter comprized : Provided also that no person whatsoever shall have or enjoy the benefit of this article that shall neglect or refuse to take the oath of allegiance made by act of parliament of England, in the first year of the reign of their present majesties, when thereunto required.

3. All merchants, or reputed merchants of the city of Limerick, or of any other garrison now possessed by the Irish or of any town or place in the counties of Clare or Kerry, who are absent beyond the seas, that have not bore arms since their majesties declaration in February, 1688, shall have the benefit of the second article, in the same manner as if they were present ; provided such merchants, and reputed merchants, do repair into this kingdom within the space of eight months from the date hereof.

4. The following officers, viz. Colonel Simon Luttrell, Captain Rowland White, Maurice Eustace of Yermanstown, Chievers of Maystown, commonly called Mount Leinster, now belonging to the regiments in the aforesaid garrisons and quarters of the Irish army, who were beyond the seas, and sent thither upon affairs of their respective regiments, or the army in general, shall have the benefit and advantage of the second article, provided they return hither within the space of eight months from the date of these presents, and submit to their majesties government, and take the above-mentioned oath.

5. That all and singular the said persons comprised in the second and third articles, shall have a general pardon of all attainders, outlawries, treasons, misprisions of treason, premunires, felonies, trespasses, and other crimes and misdemeanors whatsoever, by them or any of them, committed since the beginning of the reign of King James the Second, and if any of them are attainted by parliament, the lords justices, and general, will use their best endeavours to get the same repealed by parliament, and the outlawries to be reversed gratis, all but writing-clerks fees.

6. And whereas these present wars have drawn on great violences on both parts ; and that if leave were given to the bringing all sorts of private actions, the animosities would probably continue, that have been too long on foot, and the public disturbances last ; for the quieting and settling therefore of this kingdom, and avoiding those inconveniences which would be the necessary consequence of the contrary, no person or persons whatsoever, comprised in the foregoing articles, shall be sued, molested, or impleaded at the suit of any party or parties whatsoever, for any trespasses by them committed, or for any arms, houses, money, goods, chattels, merchandizes, or provision whatsoever, by them



seized or taken during the time of the war. And no person or persons whatsoever, in the second or third articles comprised, shall be sued, impleaded, or made accountable for the rents or mean rates of any lands, tenements or houses, by him or them received, or enjoyed in this kingdom, since the beginning of the present war, to the day of the date hereof, nor for any waste or trespass by him or them committed in any such lands, tenements or houses: and it is also agreed, that this article shall be mutual and reciprocal on both sides.

7. Every nobleman and gentleman comprised in the said second and third article, shall have liberty to ride with a sword and case of pistols, if they think fit, and keep a gun in their houses for the defence of the same, or for fowling.

8. The inhabitants and residents in the city of Limerick, and other garrisons, shall be permitted to remove their goods, chattels, and provisions, out of the same without being viewed and searched, or paying any manner of duties, and shall not be compelled to leave the houses or lodgings they now have, for the space of six weeks next ensuing the date hereof.

9. The oath to be administered to such Roman Catholicks as submit to their majesties government, shall be the oath above said, and no other.

10. No person or persons who shall at any time hereafter break these articles, or any of them, shall thereby make, or cause any other person or persons to forfeit or lose the benefit of the same.

11. The lords justices and general do promise to use their utmost endeavours, that all the persons comprehended in the above mentioned articles, shall be protected and defended from all arrests and executions for debt or damage, for the space of eight months next ensuing the date hereof.

12. Lastly, the lords justices and general do undertake, that their majesties will ratify these articles within the space of eight months, or sooner, and use their utmost endeavours that the same shall be ratified and confirmed in parliament.

13. And whereas Colonel John Brown stood indebted to several protestants by judgments of record, which appearing to the late government, the Lord Tyrconnel, and the Lord Lucan, took away the effects the said John Brown had to answer the said debts; and promised to clear the said John Brown of the said debts; which effects were taken for the public use of the Irish, and their army: for freeing the said Lord Lucan of his said engagement, past on their public account, for payment of the said Protestants, and for preventing the ruin of the said John Brown, and for satisfaction of his creditors, at the instance of the Lord Lucan, and the rest of the persons aforesaid, it is agreed, that the said lords

justices, and the said Baron De Ginckle shall intercede with the king and parliament, to have the estates secured to Roman Catholics, by articles and capitulation in this kingdom, charged with, and equally liable to the payment of so much of the said debts, as the said Lord Lucan upon stating accounts with the said John Brown, shall certify under his hand, that the effects taken from the said John Brown amount unto; which account is to be stated, and the balance certified by the said Lord Lucan in one and twenty days after the date hereof: for the true performance hereof, we have hereunto set our hands.

Present,....	Scravemore,	Charles Porter,
	H. Maccay,	Tho. Coningsby,
	T. Talmash,	Bar. De Ginckle.

And whereas the said city of Limerick hath been since, in pursuance of the said articles, surrendered unto us. Now know ye, that we having considered of the said articles are graciously pleased hereby to declare, that we do for us, our heirs, and successors, as far as in us lies, ratify and confirm the same, and every clause, matter, and thing therein contained. And as to such parts thereof, for which an act of parliament shall be found to be necessary, we shall recommend the same to be made good by parliament, and shall give our royal assent to any bill or bills that shall be passed by our two houses of parliament to that purpose. And whereas it appears unto us, that it was agreed between the parties to the said articles, that after the words Limerick, Clare, Kerry, Cork, Mayo, or any of them, in the second of the said articles, the words following viz. And all such as "are under their protection in the said counties," should be inserted, and be part of the said articles. Which words having been casually omitted by the writer, the omission was not discovered till after the said articles were signed, but was taken notice of before the second town was surrendered: and that our said justices and general, or one of them, did promise that the said clause should be made good, it being within the intention of the capitulation, and inserted in the foul draft thereof. Our further will and pleasure is, and we do hereby ratify and confirm the said omitted words, viz. "And all such as are under their protection in the said counties," hereby for us, our heirs and successors, ordaining, and declaring that all and every person and persons therein concerned, shall and may have, receive, and enjoy the benefit thereof, in such and the same manner, as if the said words had been inserted in their proper place, in the said second article, any omission, defect, or mistake in the said second article in any wise notwithstanding. Provided always, and our will and pleasure is, that these our letters patents shall be enrolled in our Court of Chan-

cery, in our said kingdom of Ireland, within the space of one year next ensuing.

In witness, &c. Witness Ourselves at Westminster, the twenty-fourth day of February, anno regni regis et reginæ Gulielmi et Mariæ quarto per breve de privato sigillio. Nos autem tenorem premissor. predict. ad requisitionem attornat. general. domini regis et dominæ pro regno Hiberniæ Duximus exemplificand. per presentes. In cujus rei testimonium has literas nostras fieri fecimus patentes. Testibus nobis ipsis apud Westmon. quinto die Aprilis, annoq. regni eorum quarto.

BRIDGES.

Examinat. { S. Keek { In Chancel.  
per nos { Lacon Wm. Childe { Magistros.

Military articles agreed upon between the Baron De Ginckle, Lieutenant General, and Commander in Chief of the English army, on the one side ;

And the Lieutenant General De Ussoon and De Tesse, Commanders in Chief of the Irish army on the other ; and the General Officers hereunto subscribing.

1. That all persons without any exceptions, of what quality or condition soever, that are willing to leave the kingdom of Ireland, shall have free liberty to go to any country beyond the seas (England and Scotland excepted) where they think fit, with their families household-stuff, plate and jewels.

2. That all general officers, colonels, and generally all other officers of horse, dragoons, and foot guards, troopers, dragooners, soldiers of all kinds that are in any garrison, place, or post, now in the hands of the Irish, or encamped in the counties of Cork, Clare, and Kerry, as also those called rapparees, or volunteers, that are willing to go beyond seas as aforesaid, shall have free leave to embark themselves wherever the ships are that are appointed to transport them, and to come in whole bodies as they are now composed, or in parties, companies or otherwise, without having any impediment, directly or indirectly.

3. That all persons above mentioned, that are willing to leave Ireland and go into France, shall have leave to declare at the times and places hereafter mentioned, viz. the troops in Limerick, on Tuesday next in Limerick ; the horse at their camp on Wednesday, and the other forces that are dispersed in the counties of Clare, Kerry, and Cork, on the 8th instant, and on none other, before Monsieur Tameron the French intendant, and Colonel Withers, and after such declaration is made, the troops that will go into France must remain under the command and discipline of those officers that are to conduct them thither, and deserters of each side shall be given up, and punished accordingly.



4. That all English and Scotch officers that serve now in Ireland, shall be included in this capitulation, as well for the security of their estates and goods in England, Scotland, and Ireland, (if they are willing to remain here,) as for passing freely into France, or any other country to serve.

5. That all the general French officers, the intendant, the engineers, the commissaries at war, and of the artillery, the treasurer, and other French officers, strangers, and all others whatsoever, that are in Sligo, Ross, Clare, or in the army, or that do trade or commerce, or are otherwise employed in any kind of station or condition, shall have free leave to pass into France or any other country, and shall have leave to ship themselves, with all their horses, equipage, plate, papers, and all their effects whatever; and that General Ginckle will order passports for them, convoys, and carriages by land and water, to carry them safe from Limerick to the ships where they shall be embarked, without paying any thing for the said carriages, or to those that are employed, therein, with their horses, cars, boats, and shallops.

6. That if any of the aforesaid equipages, merchandize, horses, money, plate or other moveables, or household stuff belonging to the said Irish troops, or to the French officers, or other particular persons whatsoever, be robbed, destroyed, or taken away by the troops of the said general, the said general will order it to be restored, or payment to be made according to the value that is given in upon oath by the person so robbed or plundered; and the said Irish troops to be transported as aforesaid; and all other persons belonging to them, are to observe good order in their march and quarters, and shall restore whatever they shall take from the country, or make restitution for the same.

7. That to facilitate the transporting the said troops, the general will furnish fifty ships, each ship's burthen two hundred tons; for which, the persons to be transported shall not be obliged to pay, and twenty more, if there shall be occasion, without their paying for them; and if any of the said ships shall be of lesser burthen, he will furnish more in number to countervail, and also give two men of war to embark the principal officers, and serve for a convoy to the vessels of burthen.

8. That a commissary shall be immediately sent to Cork to visit the transport ships, and what condition they are in for sailing; and that as soon as they are ready, the troops to be transported shall march with all convenient speed, the nearest way, in order to embark there; and if there shall be any more men to be transported than can be carried off in the said fifty ships, the rest shall quit the English town of Limerick, and march to such quarters as shall be appointed for them, convenient for their transportation, where they shall remain till the other twenty ships

be ready, which are to be in a month ; and may embark on any French ship that may come in the mean time.

9. That the said ships shall be furnished with forage for horse, and all necessary provisions to subsist the officers, troops, dragoons, and soldiers, and all other persons that are shipped to be transported into France, which provisions shall be paid for as soon as all are disembarked at Brest or Nantz, upon the Coast of Brittany, or any other part of France they can make.

10. And to secure the return of the said ships (the danger of the seas excepted) and payment for the said provisions, sufficient hostages shall be given.

11. That the garrisons of Clare Castle, Ross, and all other foot that are in garrisons in the counties of Clare, Cork, and Kerry, shall have the advantage of this present capitulation, and such part of those garrisons as design to go beyond the seas, shall march out with their arms, baggage, drums beating, ball in mouth, match lighted at both ends, and colours flying, with all the provisions, and half the ammunition that is in the said garrisons, and join the horse that march to be transported ; or if then there is not shipping enough for the body of foot that is to be next transported after the horse, General Ginckle will order that they be furnished with carriages for that purpose, and what provisions they shall want during their march, they paying for the said provisions, or else that they may take it out of their own magazines.

12. That all the troops of horse and dragoons, that are in the counties of Cork, and Clare, shall also have the benefit of this capitulation ; and that such as will pass into France, shall have quarters given them in the counties of Clare and Kerry, apart from the troops that are commanded by General Ginckle, until they can be shipped ; and within their quarters they shall pay for every thing, except forage and pasture for their horses, which shall be furnished gratis.

13. Those of the garrison of Sligo that are joined to the Irish army, shall have the benefit of this capitulation ; and orders shall be sent to them that are to convey them up, to bring them hither to Limerick the shortest way.

14. The Irish may have liberty to transport nine hundred horse, including horses for the officers, which shall be transported gratis ; and as for the troopers that stay behind, they shall dispose of themselves as they shall think fit, giving up their horses and arms to such persons as the general shall appoint.

15. It shall be permitted to those that are appointed to take care for the subsistence of the horse, that are willing to go to France, to buy hay and corn at the king's rates wherever they can find it, in the quarters that are assigned them, without any

let or molestation, and to carry all necessary provisions out of the city of Limerick, and for this purpose the general will furnish convenient carriages for them to the places where they shall be embarked.

16. It shall be lawful to make use of the hay preserved in the stores of the county of Kerry, for the horses that shall be embarked; and if there be not enough, it shall be lawful to buy hay and oats wherever it shall be found, at the king's rates.

17. That all prisoners of war, that were in Ireland the 28th of September, shall be set at liberty on both sides; and the general promises to use his endeavours, that those that are in England and Flanders shall be set at liberty also.

18. The general will cause provisions and medicines to be furnished to the sick and wounded officers, troopers, dragoons, and soldiers of the Irish army that cannot pass into France at the first embarkment, and after they are cured, will order them ships to pass into France, if they are willing to go.

19. That on the signing hereof, the general will send a ship express to France; and that besides, he will furnish two small ships of those that are now in the river of Limerick, to transport two persons into France that are to be sent to give notice of this treaty, and that the commanders of the said ship shall have orders to put a-shore at the next port of France where they shall make.

20. That all those of the said troops, officers, and others of what character soever, that would pass into France, shall not be stopped upon the account of debt, or any other pretext.

21. If after signing this present treaty, and before the arrival of the fleet, a French packet-boat, or other transport-ship, shall arrive from France in any other part of Ireland, the general will order a passport, not only for such as must go on board the said ships, but to the ships to come to the nearest port, to the place where the troops to be transported shall be quartered.

22. That after the arrival of the said fleet, there shall be free communication and passage between it and the quarters of the abovesaid troops; and especially for all those that have passes from the chief commanders of the said fleet, or from Monsieur Tameron, the intendant.

23. In consideration of the present capitulation, the two towns of Limerick shall be delivered and put into the hands of the general, or any other person he shall appoint, at the time and days hereafter specified, viz. the Irish town, except the magazines and hospital, on the day of the signing of these present articles; and as for the English town, it shall remain, together with the island, and the free passage of Thomond-bridge, in the



hands of those of the Irish army that are now in the garrison, or that shall hereafter come from the counties of Cork, Clare, Kerry, Sligo, and other places above-mentioned, until there shall be convenience found for their transportation.

24. And to prevent all disorders that may happen between the garrison that the general shall place in the Irish town, which shall be delivered to him, and the Irish troopers that shall remain in the English town and the island, which they may do, until the troops to be embarked on the first fifty ships shall be gone for France, and no longer ; they shall intrench themselves on both sides, to hinder the communication of the said garrisons ; and it shall be prohibited on both sides, to offer any thing that is offensive ; and the parties offending shall be punished on either side.

25. That it shall be lawful for the said garrison to march out all at once, or at different times, as they can be embarked, with arms, baggage, drums beating, match lighted at both ends, bullet in mouth, colours flying, six brass guns, such as the besieged will chuse, two mortar pieces, and half the ammunition that is now in the magazines of the said place ; and for this purpose, an inventory of all the ammunition in the garrison shall be made in the presence of any person that the general shall appoint, the next day after these present articles shall be signed.

26. All the magazines of provisions shall remain in the hands of those that are now employed to take care of the same, for the subsistence of those of the Irish army that will pass into France ; and if there shall not be sufficient in the stores, for the support of the said troops, whilst they stay in this kingdom, and are crossing the seas, that upon giving up an account of their numbers, the general will furnish them with sufficient provisions at the king's rates ; and that there shall be a free market at Limerick, and other quarters, where the said troops shall be ; and in case any provisions shall remain in the magazines of Limerick when the town shall be given up, it shall be valued, and the price deducted out of what is to be paid for the provision to be furnished to the troops on ship-board.

27. That there shall be a cessation of arms at land as also at sea, with respect to the ships whether English, Dutch, or French, designed for the transportation of the said troops, until they shall be returned to their respective harbours ; and that, on both sides, they shall be furnished with sufficient passports both for ships and men : and if any sea-commander, or captain of a ship, or any officer, trooper, dragoon, soldier, or any other person, shall act contrary to this cessation, the persons so acting shall be punished on either side, and satisfaction shall be made for the wrong that is done ; and officers shall be sent to the mouth of the river of

Limerick, to give notice to the commanders of the English and French fleets of the present conjuncture, that they may observe the cessation of arms accordingly.

28. That for the security of the execution of this present capitulation, and of each article therein contained, the besieged shall give the following hostages———. And the general shall give———.

29. If before this capitulation is fully executed, there happens any change in the government, or command in the army, which is now commanded by General Ginckle, all those that shall be appointed to command the same, shall be obliged to observe and execute what is specified in these articles, or cause it to be executed punctually, and shall not act contrary on any account.

Baron DE GINCKLE.

October 19.

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## NO. L.

THE LORD LIEUTENANT'S PROTEST AGAINST THE HOUSE OF COMMONS CLAIM TO THE RIGHT OF ORIGINATING MONEY BILLS.  
.....PAGE 172.

(SYDNEY.)

WHEREAS at a parliament, holden at Drogheda in the tenth year of the reign of King Henry VII. an act was made for and concerning the order, manner, and form of parliaments, to be holden and kept in this realm of Ireland; and by another act, made at parliament, holden at Dublin in the third and fourth year of King Philip and Queen Mary, it was ordained, enacted and established, that no parliament should be summoned or holden within this realm of Ireland, until such time as the lieutenant, lord deputy, lord justice or lords justices, chief governor or governors, or any of them, and the council of this realm for the time being, should have certified the king and queen's majesties, their heirs and successors, under the great seal of this realm of Ireland, the considerations, causes and articles of such act, provisions and ordinances, as by them should be thought meet and necessary, to be enacted and passed here by parliament; and should have received again their majesties' answer under the

great seal of England, declaring their pleasures, either for passing of the said act, provisions and ordinances, in the form and tenor as they should be sent into England, or else for change and alteration of them, or any part of the same : And that as well after any authority of licence sent into this kingdom for holding a parliament, as also at all times after the summons, and during the time of any parliament, to be thereafter holden within this realm, the lieutenant, lord deputy, lord justice and lord justices, or other chief governor and council of this kingdom, for the time being, should and might certify all such other considerations, causes, tenors, provisions and ordinances, as they should further think good to be enacted and established, at and in the said parliament to the king and queen's majesty, their heirs and successors, under the great seal of this realm of Ireland ; and such considerations, causes, tenors, provisions and ordinances, or any of them as should be thereupon certified and returned into this realm, under the great seal of England, and no other, should and might pass and be enacted here, in any such parliament within this said realm of Ireland, in case the same consideration, causes, tenors, provisions and ordinances, or any of them, should be agreed or resolved on by the then estates of the said parliament.

And whereas in this present session of parliament, a bill intituled, an act for granting unto their majesties an additional duty on beer, ale and other liquors, which had been certified by us the the lord lieutenant of this kingdom and the council, unto the king and queen's majesty, under the great seal of England, and by us sent to the House of Commons to be considered of in this present parliament, the said commons having the said bill lying upon the table, on the 27th day of the month of October last, did come to a vote thereupon, and resolved, that it is the sole and undoubted right of the said commons to prepare heads of bills for raising money. And further, on the 28th day of the same October, a motion being made in the said house, and the question put, that a bill then on the table, which had likewise been regularly transmitted in the same form, intituled, an act for granting duties for one year, might be read ; it passed in the negative : And the said House of Commons resolved, that the said bill be rejected by that house ; and further resolved, that it be entered in the journals of that house, that the reason why the said bill was rejected, is, that the same had not its rise in that house. All which resolutions and proceedings appear in the journals of the House of Commons, printed by their order and authority, by which votes and resolutions, the said House of Commons do exclude their majesties and the crown of England from the right of transmitting any bills for granting of money, or other aids to their majesties, and their successors : which recited votes, resolutions



and proceedings of the House of Commons, being contrary to the said recited acts of parliament, and the continued usage and practice ever since the making thereof, and a great invasion upon their majesties prerogative, and the rights of the crown of England: We the lord lieutenant, as well to assert the rights of the crown of England, (whereof we are and ever will be most tender) in transmitting such bills under the great seal of England, to be considered of in parliament, as to discharge the trust reposed in us, and prevent the inconveniences which may hereafter happen, in case these votes and resolutions of the house of commons should be made publick, or remain in their journals, without any contradiction or animadversion, have thought it necessary, this day, in full parliament, to protest: And we do accordingly protest against the aforesaid votes and resolutions made by the House of Commons, and entered in their journals, and assert, protest and declare, that it is their majesties' prerogative and the undoubted right of the crown of England, observing the forms in the said several acts, to transmit bills under the great seal of England for granting of aids to their majesties', their heirs and successors, which said bills, so transmitted, ought to be read and considered by the House of Commons, in this kingdom: And therefore, the said recited votes and proceedings of the House of Commons, are contrary to the acts of parliament above mentioned, and the constant practice and usages in all parliaments since the making thereof; and also highly derogatory to their majesties' royal authority, and the rights of the crown of England.

By his excellency's special command,

C. WICH.

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## NO. LI.

REPORT OF THE COMMISSIONERS UPON THE FORFEITED LANDS....

PAGE 177.

THE commissioners met with great difficulties in their enquiries, which were occasioned chiefly by the backwardness of the people of Ireland to give any information, out of fear of the grantees, whose displeasure in that kingdom was not easily borne; and by reports industriously spread and believed, that their enquiry would come to nothing. Nevertheless, it appeared to them, that the persons outlawed in England, since the 13th February,

1688, on account of the late rebellion, amounted in number to fifty-seven, and in Ireland to three thousand nine hundred and twenty-one. That all the lands in the several counties in Ireland belonging to the forfeited persons, as far as they could reckon, made 1060792 acres, worth per annum 211,623*l.* which by computation of six years purchase for a life, and thirteen years for the inheritance, came to the full value of 268,138*l.* That some of those lands had been restored to the old proprietors, by virtue of the articles of Limerick and Galloway, and by his majesties favour, and the reversal of outlawries, and royal pardons, obtained chiefly by gratifications to such persons as had abused his majesties royal bounty and commission. Beside these restitutions, which they thought to be corruptly procured, they gave an account of seventy-six grants and custodiums, under the great seal of Ireland ; as to the Lord Rumney three grants now in being, containing 49,517 acres ; to the Earl of Albemarle in two grants 108,633 acres, in possession and reversion ; to William Bentinck, Esq. Lord Woodstock, 135,820 acres of land ; to the Earl of Athlone two grants, containing 26,480 acres ; to the Earl of Galloway on grant 36,148 acres, &c. wherein they observed, that the estates so mentioned did not yield so much to the grantees as they were valued at ; because as most of them had abused his majesty in the real value of their estates, so their agents had imposed on them, and had either sold or lett the greatest part of those lands at an under value. But after all deductions and allowances, there yet remained 1,699,343*l.* 14*s.* which they lay before the commons as the gross value of the estates since the 13th day of February, and not restored ; besides a grant under the great seal of Ireland, dated the 13th of May, 1695, passed to Mrs. Elizabeth Villiers, now Countess of Orkney, of all the private estates of the late King James, (except some part in grant to Lord Athlone,) containing 95,649 acres, worth per annum 25,995*l.* 18*s.* value : total 331,943*l.* 9*s.* concluding, that there was payable out of this estate, 2000*l.* per annum to Mrs. Godfrey for their lives ; and that almost all the old leases determined in May, 1701 ; and then this estate would answer the value above mentioned.

Signed

Francis Annesley,  
John Trenchard,James Hamilton,  
Henry Langford.

## No. LII.

THE SEVERAL ARGUMENTS OF SIR THEOBALD BUTLER, COUNSELLOR MALONE AND SIR STEPHEN RICE, AT THE BAR OF THE HOUSE OF COMMONS OF IRELAND, FEBRUARY 22; AND AT THE BAR OF THE HOUSE OF LORDS, FEBRUARY 28, 1703, AGAINST PASSING THE BILL, INTITULED, AN ACT TO PREVENT THE FURTHER GROWTH OF POPERY....PAGE 184.

THE Papists of Ireland observing, that the House of Commons were preparing the heads of a bill to be transmitted to England to be drawn up into an act, to prevent the further growth of popery; and having in vain endeavoured to put a stop to it there, at its remittance back again to Ireland, presented to the House of Commons a petition in the names of Nicholas Lord Viscount Kingsland, Colonel J. Brown, Colonel Burk, Colonel Nugent, Major Pat. Allen, Captain Arthur French, and other Roman Catholicks of Ireland, praying to be heard by their counsel against the passing the said bill, then under consideration of the said house; and to have a copy of the bill, and a reasonable time to speak to it before it passed. Which petition being referred to the committee of the whole house, to whom the consideration of the said bill was referred, it was ordered, that the petitioners should have a copy of the said bill, and be heard by their counsel, before the said committee.

And in pursuance of that order, Sir Theobald Butler, Counsellor Malone, and Sir Stephen Rice, (the two first in their gowns as counsel for the petitioners in general, and the last without a gown, only as a petitioner in his private capacity,) together with many others, upon Tuesday, the 22d of February, 1703, appeared at the bar of the said House of Commons, where Sir Theobald Butler first moved and acquainted the house, that, "by the permission of that house, he was come thither in behalf of himself, and the rest of the Roman Catholicks of Ireland comprised in the articles of Limerick and Galway, to offer some reasons, which he and the rest of the petitioners judged very material against passing the bill, intituled, An Act to prevent the further growth of Popery; that by leave of the house, he had taken a copy of the said bill, (which he had there in his hand,) and with submission, looked upon it to tend to the destroying of the said articles, granted upon a most valuable con-



“sideration; of surrendering the said garrisons, at the time when  
 “they had the sword in their hands, and for any thing that then  
 “appeared to the contrary, might have been in a condition to  
 “hold out much longer, and when it was in their power to de-  
 “mand, and make for themselves such terms, as might be for their  
 “then and future liberty, safety and security : and that too, when  
 “the allowing such terms were highly advantageous to the gov-  
 “ernment to which they submitted, as well for uniting the people  
 “that were then divided, quieting and settling the distractions  
 “and disorders of this then miserable kingdom, as for the other  
 “advantages the government would thereby reap in its own af-  
 “fairs, both at home and abroad ; when its enemies were so  
 “powerful both by sea and land, as to give doubt or interruption  
 “to its peace and settlement.

“That by such their power, those of Limerick did for them-  
 “selves, and others therein comprized, obtain and make such  
 “articles, as by which, all the Irish inhabitants in the city and  
 “county of Limerick, and in the counties of Clare, Kerry, Cork,  
 “Sligo, and Mayo, had full and free pardon of and for all attain-  
 “ders, outlawries, treasons, misprision of treasons, felonies, tres-  
 “passes, and other crimes whatever, which at any time from the  
 “beginning of King James the Second, to the 3d of October,  
 “1691, had been acted, committed, or done by them, or any of  
 “them ; and by which they and their heirs were to be forthwith  
 “put in possession of, and for ever possess, and enjoy all and  
 “every of their freeholds and inheritance ; and all their rights,  
 “titles, and interests, privileges and immunities, which they and  
 “every of them held and enjoyed, and by the laws in force were  
 “intituled unto, in the reign of King Charles the Second, or at  
 “any time since, by the laws and statutes that were in force in  
 “that reign, &c. And therefore read so much of the second ar-  
 “ticle of Limerick, as tended to that purpose.” “That in the  
 “reign of Charles the Second, the petitioners, and all that were  
 “intituled to the benefit of those articles, were in such full and  
 “free possession of their estates, and had the same power to sell,  
 “or otherwise to dispose, or convey them, or any thing they en-  
 “joyed ; and were as rightfully intituled to all the privileges, im-  
 “munities, and other advantages whatever, according to the laws  
 “then in force, as any other subjects whatsoever ; and which,  
 “therefore, without the highest injustice, could not be taken from  
 “them, unless they had forfeited them themselves.

“That if they had made any such forfeiture, it was either be-  
 “fore or after the making the said articles : if before, they had  
 “a full and free pardon for that by the said articles, &c. and  
 “therefore are not accountable by any law now in force for the  
 “same, and for that reason not now to be charged with it : and

“ since they cannot be charged with any general forfeiture of those articles since, they at that same time remained as absolutely intitled to all the privileges, advantages, and benefits of the laws both already made, and hereafter to be made, as any other of her majesty’s subjects whatsoever.

“ That among all societies there were some ill people : that by the 10th article of Limerick, the whole community is not to be charged with, nor forfeited by the crimes of particular persons.

“ That there were already wholesome laws in force sufficient, and if not, such as were wanting might be made, to punish every offender according to the nature of the crime : and in the name of God let the guilty suffer for their own faults ; but the innocent ought not to suffer for the guilty, nor the whole for any particular. That surely they would not now (they had tamely got the sword out of their hands), rob them of what was then in their power to have kept ; for that would be unjust, and not according to that golden rule, to do as they would be done by, was the case reversed, and the contrary side their own.

“ That the said articles were first granted them by the general of the English army, upon the most important consideration of getting the city of Limerick into his hands, (when it was in a condition to have held out, till it might have been relieved by the succours then coming to it from France), and for preventing the further effusion of blood, and the other ill consequences which (by reason of the then divisions and disorders) the nation then laboured under, and for reducing those in arms against the English government, to its obedience.

“ That the said articles were signed and perfected by the said generals, and the then lords justices of this kingdom, and afterwards ratified by their late majesties, for themselves, their heirs and successors, and have been since confirmed by an act of parliament in this kingdom, viz. stat. 9. Guil. 3 ses. 4. chap. 27. (which he there produced and pleaded) and said could not be avoided without breaking the said articles, and the public faith thereby plighted to all those comprised under the said articles, in the most solemn and engaging manner, ’tis possible for any people to lay themselves under, and than which nothing could be more sacred and binding. That therefore to violate, or break those articles, would on the contrary be the greatest injustice possible for any one people of the whole world to inflict upon another, and which is contrary to both the laws of God and man.

“ That pursuant to these articles, all those Irish then in arms against the government, did submit thereunto, and surrendered the said city of Limerick, and all other garrisons then remaining

“ in their possession, and did take such oaths of fidelity to the king  
 “ and queen, &c. as by the said articles they were obliged to, and  
 “ were put into possession of their estates, &c.

“ That such their submission was upon such terms as ought now,  
 “ and at all times, to be made good to them ; but that if the bill  
 “ then before the house, intituled, *An Act to prevent the further*  
 “ *growth of Popery*, should pass into a law, (which, said he, God  
 “ forbid!) it would be not only a violation of those articles, but al-  
 “ so a manifest breach of the public faith, of which the English had  
 “ always been most tender in many instances, some of which he  
 “ then quoted ; and that, in particular, in the preamble of the  
 “ act before-mentioned, made for confirmation of these articles,  
 “ wherein there is a particular regard and respect had to the pub-  
 “ lic faith.

“ That since the said articles were thus under the most solemn  
 “ ties, and for such valuable considerations granted the petition-  
 “ ers, by nothing less than the general of the army, the lords jus-  
 “ tices of the kingdom, the king, queen, and parliament, the pub-  
 “ lic faith of the nation was therein concerned, obliged, bound,  
 “ and engaged, as fully and firmly, as was possible for one people  
 “ to pledge faith to another ; that therefore this parliament could  
 “ not pass such a bill, as that intituled, *An Act to prevent the*  
 “ *further growth of Popery*, then before the house, into a law,  
 “ without infringing those articles, and a manifest breach of the  
 “ public faith ; of which he hoped that house would be no less  
 “ regardful and tender than their predecessors, who made the act  
 “ for confirming those articles, had been.

“ That the case of the Gibeonites, 2 Sam. 21. 1. was a fearful  
 “ example of breaking of public faith, which above 100 years af-  
 “ ter brought nothing less than a three year’s famine upon the  
 “ land ; and stayed not till the lives of all Saul’s family atoned  
 “ for it.

“ That even among the heathens, and most barbarous of na-  
 “ tions, all the world over, the public faith had always been held  
 “ most sacred and binding, that surely it would find no less a re-  
 “ gard in that august assembly.

“ That if he proved the passing that act, was such a manifest  
 “ breach of those articles, and consequently of the public faith, he  
 “ hoped that honorable house would be very tender how they  
 “ passed the said bill before them into a law, to the apparent pre-  
 “ judice of the petitioners, and the hazard of bringing upon them-  
 “ selves and posterity, such evils, reproach and infamy, as the  
 “ doing the like had brought upon other nations and people.

“ Now, that the passing such a bill as that then before the  
 “ house, to prevent the further growth of popery, will be a breach



“ of those articles, and consequently of the public faith, I prove  
“ (said he) by the following argument.

“ The argument then is, (said he) whatever shall be enacted  
“ to the prejudice or destroying of any obligation, covenant or  
“ contract, in the most solemn manner, and for the most valuable  
“ consideration entered into, is a manifest violation and destruc-  
“ tion of every such obligation, covenant and contract : but the  
“ passing that bill into a law, will evidently and absolutely destroy  
“ the articles of Limerick and Galway, to all intents and purpo-  
“ ses ; and therefore the passing that bill into a law, will be such  
“ a breach of those articles, and consequently of the public faith  
“ plighted for performing those articles, which remained to be  
“ proved.

“ The *major* is proved ; (said he) for whatever destroys or  
“ violates any contract or obligation, upon the most valuable  
“ considerations, most solemnly made and entered into, destroys  
“ and violates the end of every such contract or obligation : but  
“ the end and design of those articles were, that all those therein  
“ comprised, and every of their heirs, should hold, possess, and  
“ enjoy all and every of their estates of freehold and inheritance,  
“ and all the rights, titles, and interest, privileges and immunities,  
“ which they and every of them held, enjoyed, or were rightfully  
“ intituled to, in the reign of King Charles the Second, or at any  
“ time since, by the laws and statutes that were in force in the  
“ said reign in this realm : but that the design of this bill was,  
“ to take away every such right, title, interest, &c. from every  
“ father being a papist, and to make the popish father, who, by  
“ the articles and laws aforesaid, had an undoubted right, either  
“ to sell, or otherwise at pleasure to dispose of his estate, at any  
“ time of his life, as he thought fit, only tenant for life, and con-  
“ sequently disabled from selling, or otherwise disposing thereof,  
“ after his son or other heir should become protestant, though  
“ otherwise never so disobedient, profligate, or extravagant :  
“ ergo, this act tends to the destroying the end for which those  
“ articles were made, and consequently the breaking of the pub-  
“ lic faith plighted for their performance.

“ The *minor* is proved by the 3d, 4th, 5th, 6th, 7th, 8th, 9th,  
“ 15th, 16th, and 17th clauses of the said bill, all which (said he)  
“ I shall consider and speak to, in the order as they are placed  
“ in the bill.

“ By the first of these clauses, (which is the third of the bill)  
“ I that am the popish father, without committing any crime  
“ against the state, or the laws of the land, (by which only I ought  
“ to be governed,) or any other fault ; but merely for being of  
“ the religion of my fore-fathers, and that which, till of late years,  
“ was the ancient religion of these kingdoms, contrary to the ex-

“ press words of the second article of Limerick, and the public  
“ faith, plighted as aforesaid for their performance, am deprived  
“ of my inheritance, freehold, &c. and of all other advantages,  
“ which by those articles, and the laws of the land, I am intituled  
“ to enjoy, equally with every other of my fellow-subjects,  
“ whether protestant or popish. And though such my estate be  
“ even the purchase of my own hard labour and industry, yet I  
“ shall not (though my occasions be never so pressing,) have li-  
“ berty (after my eldest son, or other heir, becomes a protestant,)  
“ to sell, mortgage, or otherwise dispose of, or charge it for pay-  
“ ment of my debts ; or have leave out of my own estate, to or-  
“ der portions for my other children ; or leave a legacy, though  
“ never so small, to my poor father or mother, or other poor re-  
“ lations ; but during my own life, my estate shall be given to  
“ my son, or other heir, being a protestant, though never so un-  
“ dutiful, profligate, extravagant, or otherwise undeserving ; and  
“ I that am the purchasing father, shall become tenant for life  
“ only, to my own purchase, inheritance and freehold, which I  
“ purchased with my own money : and such my son, or other  
“ heir, by this act, shall be at liberty to sell, or otherwise at plea-  
“ sure to dispose of my estate, the sweat of my brow, before my  
“ face ; and I that am the purchaser, shall not have liberty to  
“ raise one farthing upon the estate of my own purchase, either  
“ to pay my debts, or portion my daughters, if any I have, or  
“ make provisions for my other male children, though never so  
“ deserving and dutiful : but my estate, and the issues and pro-  
“ fits of it, shall, before my face, be at the disposal of another,  
“ who cannot possibly know how to distinguish between the du-  
“ tiful and undutiful, deserving or undeserving. Is not this,  
“ gentlemen, (said he) a hard case ? I beseech you, gentlemen,  
“ to consider, whether you would not think it so, if the scale was  
“ changed, and the case your own, as it is like to be ours, if this  
“ bill pass into a law.

“ It is natural for a father to love the child, but we all know  
“ (says he) that children are but too apt and subject, without any  
“ such liberty as this bill gives, to slight and neglect their duty to  
“ their parents ; and surely such an act as this, will not be an in-  
“ strument of restraint, but rather encourage them more to it.

“ It is but too common with the son, who has a prospect of an  
“ estate, when once he arrives at the age of one and twenty, to  
“ think the old father too long in the way, between him and it,  
“ and how much more will he be subject to it, when by this act  
“ he shall have liberty before he comes to that age, to compel and  
“ force my estate from me, without asking my leave, or being  
“ liable to account with me for it, or out of his share thereof, to a  
“ moiety of the debts, portions, or other incumbrances, with

“ which the estate might have been charged, before the passing  
 “ this act.

“ Is not this against the laws of God and man? against the  
 “ rules of reason and justice; by which all men ought to be go-  
 “ verned? Is not this the only way in the world, to make children  
 “ become undutiful? and to bring the grey head of the parent to  
 “ the grave, with grief and tears.

“ It would be hard from any man; but from a son, a child,  
 “ the fruit of my body, whom I have nurst in my bosom, and ten-  
 “ dered more dearly than my own life, to become my plunderer,  
 “ to rob me of my estate, to cut my throat, and to take away my  
 “ bread, is much more grievous than from any other; and enough  
 “ to make the most flinty of hearts to bleed, to think on’t. And  
 “ yet this will be the case if this bill pass into a law; which I  
 “ hope this honorable assembly will not think of, when they shall  
 “ more seriously consider, and have weighed these matters.

“ For God’s sake, gentlemen, will you consider whether this  
 “ is according to the golden rule, to do as you would be done  
 “ unto? And if not, surely you will not, nay you cannot, with-  
 “ out being liable to be charged with the most manifest injustice  
 “ imaginable, take from us our birth-rights, and invest them in  
 “ others before our faces.

“ By the 4th clause, of the bill, the Popish father is under the  
 “ penalty of 500*l*. debarred from being guardian to, or having  
 “ the tuition or custody of his own child or children; but if the  
 “ child pretends to be a Protestant, though never so young, or  
 “ incapable of judging of the principles of any religion, it shall be  
 “ taken from its own father, and put into the hands or care of a  
 “ Protestant relation, if any there be qualified as this act directs,  
 “ for tuition, though never so great an enemy to the Popish pa-  
 “ rent; and for want of relations so qualified, into the hands and  
 “ tuition of such Protestant stranger, as the court of Chancery  
 “ shall think fit to appoint, who perhaps may likewise be my ene-  
 “ my, and out of prejudice to me who am the Popish father,  
 “ shall infuse into my child, not only such principles of religion,  
 “ as are wholly inconsistent with my liking, but also against the  
 “ duty which by the laws both of God and nature is due from  
 “ every child to its parents: And it shall not be in my power to  
 “ remedy, or question him for it; and yet I shall be obliged to  
 “ pay for such education, how pernicious soever. Nay, if a  
 “ legacy or estate fall to any of my children, being minors, I that  
 “ am the Popish father shall not have the liberty to take care of  
 “ it, but it shall be put into the hands of a stranger; and though  
 “ I see it confounded before my face, it shall not be in my power  
 “ to help it. Is not this a hard case, gentlemen? I am sure you  
 “ cannot but allow it to be a very hard case.



“ The 5th clause provides, that no Protestant or Protestants, having any estate real or personal, within this kingdom, shall at any time after the 24th of March, 1703, intermarry with any Papist, either in or out of this kingdom, under the penalties in an act made in the 9th of King William, intituled, an act to prevent Protestants intermarrying with Papists, which penalties, see in the 5th clause of the act itself.

“ Surely, gentlemen, this is such a law as was never heard of before, and against the law of right, and the law of nations ; and therefore a law which is not in the power of mankind to make, without breaking through the laws which our wise ancestors prudently provided for the security of posterity, and which you cannot infringe, without hazarding the undermining the whole legislature, and encroaching upon the privileges of your neighbouring nations, which it is not reasonable to believe they will allow.

“ It has indeed been known, that there hath been laws made in England, that have been binding in Ireland : but surely it never was known that any law made in Ireland could affect England or any other country. But by this act, a person committing matrimony (an ordinance of the Almighty) in England, or any other part beyond the seas (where it is lawful both by the laws of God and man so to do,) if ever they come to live in Ireland, and have an inheritance or title to any interest to the value of 500*l*. they shall be punished for a fact consonant to the laws of the land where it was committed. But, gentlemen, by your favour, this is what, with submission, is not in your power to do : for no law that either now is, or that hereafter shall be in force in this kingdom, shall be able to take cognizance of any fact committed in another nation : nor can any one nation make laws for any other nation, but what is subordinate to it, as Ireland is to England ; but no other nation is subordinate to Ireland ; and therefore any laws made in Ireland cannot punish me for any fact committed in any other nation, but more especially England, to whom Ireland is subordinate : and the reason is, every free nation, such as all our neighbouring nations are, by the great law of nature, and the universal privileges of all nations, have an undoubted right to make, and be ruled and governed by laws of their own making : for that to submit to any other, would be to give away their own birth-right, and native freedom ; and become subordinate to their neighbours, as we of this kingdom, since the making of Poynings’s act, have been, and are to England ; a right which England would never so much as endure to hear of, much less to submit to.

“ We see how careful our forefathers have been to provide  
“ that no man should be punished in one county (even of the  
“ same nation) for crimes committed in another county ; and  
“ surely it would be highly unreasonable, and contrary to the  
“ laws of all nations in the whole world, to punish me in this  
“ kingdom, for a fact committed in England, or any other nation,  
“ which was not against, but consistent with the laws of the na-  
“ tion, where it was committed. I am sure there is not any law  
“ in any other nation of the world that would do it.

“ The 6th clause of this bill is likewise a manifest breach of  
“ the second of Limerick articles, for by that article, all persons  
“ comprized under those articles, were to enjoy, and have the  
“ full benefit of all the rights, titles, privileges, and immunities  
“ whatsoever, which they enjoyed, or by the laws of the land  
“ then in force, were entitled to enjoy, in the reign of King  
“ Charles the Second. And by the laws then in force, all the  
“ Papists of Ireland had the same liberty, that any of their fellow  
“ subjects had, to purchase any manors, lands, tenements, here-  
“ ditaments, leases for lives or for years, rents, or any other  
“ thing of profit whatsoever : but by this clause of this bill, every  
“ Papist or person professing the popish religion, after the 24th  
“ of March, 1703, is made incapable of purchasing any manors,  
“ lands, tenements, hereditaments, or any rents or profits out of  
“ the same, or holding any lease of lives, or any other lease  
“ whatsoever, for any term exceeding thirty-one years, wherein  
“ a rent, not less than two-thirds of the improved yearly value,  
“ shall be reserved, and made payable, during the whole term ;  
“ and therefore this clause of this bill, if made into a law, will  
“ be a manifest breach of those articles.

“ The 7th clause is yet of much more general consequence, and  
“ not only a like breach of those articles, but also manifest robbing  
“ of all the Roman Catholicks of the kingdom of their birth-  
“ right : for by those articles, all those therein comprized were  
“ (said he) pardoned all misdemeanors whatsoever, of which  
“ they had in any manner of way been guilty, and restored to  
“ all the rights, liberties privileges, and immunities whatever,  
“ which, by the laws of the land, and customs, constitutions, and  
“ native birthright, they, any, and every of them, were, equally  
“ with every other of their fellow subjects entitled unto. And  
“ by the laws of nature and nations (as well as by the laws of  
“ the land) every native of any country, has an undoubted  
“ right and just title to all the privileges and advantages, which  
“ such their native country affords : and surely no man but will  
“ allow, that by such a native right, every one born in any  
“ country, hath an undoubted right to the inheritance of his fa-  
“ ther, or any other to whom he or they may be heir at law : but

“ if this bill pass into a law, every native of this kingdom, that  
 “ is and shall remain a Papist, is, *ipso facto*, during life, or his or  
 “ their continuing a Papist, deprived of such inheritance, devise,  
 “ gift, remainder, or trust, of any lands, tenements, or heredita-  
 “ ments, of which any Protestant now is, or hereafter shall be  
 “ seized in fee-simple absolute, or fee-tail, which by the death of  
 “ such Protestant, or his wife, ought to descend immediately to  
 “ his son or sons, or other issue in tail, being such Papist, and  
 “ eighteen years of age, or, if under that age, within six months  
 “ after coming to that age, shall not conform to the Church of  
 “ Ireland, as by law established ; and every such devise, gift, re-  
 “ mainder, or trust, which, according to the laws of the land,  
 “ and such native right, ought to descend to such Papist, shall,  
 “ during the life of such Papist (unless he forsake his religion),  
 “ descend to the nearest relation that is a Protestant, and his  
 “ heirs, being and continuing Protestants, as though the said Po-  
 “ pish heir and all other Popish relations were dead, without be-  
 “ ing accountable for the same ; which is nothing less than rob-  
 “ bing such Popish heir of such his birthright ; for no other rea-  
 “ son but his being and continuing of that religion, which, by the  
 “ first of Limerick articles, the Roman Catholicks of this kingdom  
 “ were to enjoy, as they did in the reign of King Charles the  
 “ Second ; and then there was no law in force, that deprived any  
 “ Roman Catholick of this kingdom of any such their native birth-  
 “ right, or any other thing, which, by the laws of the land then in  
 “ force, any other fellow subjects were entitled unto.

“ The 8th clause of this bill is to erect in this kingdom a law  
 “ of gavel-kind a law in itself so monstrous and strange, that I  
 “ dare say, this is the first time it was ever heard of in the world ;  
 “ a law so pernicious and destructive to the well-being of families  
 “ and societies, that in an age or two, there will hardly be any  
 “ remembrance of any of the ancient Roman Catholick families  
 “ known in this kingdom ; a law which, therefore, I may again  
 “ venture to say, was never before known or heard of in the  
 “ universe !

“ There is, indeed, in Kent, a custom, called the custom of  
 “ gavel-kind ; but I never heard of any law for it till now ; and  
 “ that custom is far different from what by this bill is intended  
 “ to be made a law ; for there, and by that custom, the father, or  
 “ other person, dying possessed of any estate of his own acquisi-  
 “ tion, or not entailed (let him be of what persuasion he will),  
 “ may by will bequeath it at pleasure : or if he dies without will,  
 “ the estate shall not be divided, if there be any male heir to in-  
 “ herit it ; but for want of male heir, then it shall descend in  
 “ gavel-kind among the daughters, and not otherwise. But by  
 “ this act, for want of a Protestant heir, enrolled as such within



“ three months after the death of such Papist, to be divided,  
 “ share and share alike, among all his sons ; for want of sons  
 “ among his daughters ; for want of such among the collateral  
 “ kindred of his father ; and in want of such, among those of his  
 “ mother ; and this is to take place of any grant, settlement, &c.  
 “ other than sale for valuable consideration of money, really,  
 “ *bona fide*, paid. And shall I not call this a strange law ? Surely  
 “ it is a strange law, which, contrary to the laws of all nations,  
 “ thus confounds all settlements, how ancient soever, or other-  
 “ wise warrantable by laws heretofore in force, in this or any  
 “ other kingdom.

“ The 9th clause of this act is another manifest breach of the  
 “ articles of Limerick, for by the 9th of those articles, no oath is  
 “ to be administered to, nor imposed upon such Roman Catho-  
 “ licks, as should submit to the government, but by oath of alle-  
 “ giance, appointed by an act of parliament made in England, in  
 “ the first year of the reign of their late majesties King William  
 “ and Queen Mary, (which is the same with the first of those  
 “ appointed by the 10th clause of this act :) But by this clause  
 “ none shall have the benefit of this act, that shall not conform  
 “ to the church of Ireland, subscribe the declaration, and take and  
 “ subscribe the oath of abjuration, appointed by the 9th clause of  
 “ this act ; and therefore this act is a manifest breach of those  
 “ articles, &c. and a force upon all the Roman Catholicks therein  
 “ comprised, either to abjure their religion, or part with their  
 “ birthrights, which, by those articles, they were, and are, as  
 “ fully and as rightfully entitled unto as any other subjects what-  
 “ ever.

“ The 10th, 11th, 12th, 13th, and 14th clauses of this bill (said  
 “ he) relate to offices and employments, which the Papists of Ire-  
 “ land cannot hope for the enjoyment of, otherwise than by grace  
 “ and favour extraordinary ; and therefore do not so much affect  
 “ them, as it does the Protestant dissenters, who if this bill pass  
 “ into a law) are equally with the Papists deprived of bearing  
 “ any office, civil or military, under the government, to which by  
 “ right of birth, and the laws of the land, they are as indisputably  
 “ entitled, as any other Protestant brethren ; and if what the  
 “ Irish did in the late disorders of this kingdom, made them  
 “ rebels, (which the presence of a king, they had before been  
 “ obliged to own, and swear obedience to, gave them a reasona-  
 “ ble colour of concluding it did not), yet surely the Dissenters  
 “ did not do any thing to make them so ; or to deserve worse at  
 “ the hands of the government, than other Protestants ; but on  
 “ the contrary, it is more than probable, that if they, (I mean the  
 “ Dissenters) had not put a stop to the career of the Irish army  
 “ at Enniskillen and Londonderry ; the settlement of the govern-

“ ment, both in England and Scotland, might not have proved so  
 “ easy, as it thereby did, for if that army had got to Scotland, (as  
 “ there was nothing at that time to have hindered them, but the  
 “ bravery of those people, who were mostly Dissenters, and  
 “ chargeable with no other crimes since ; unless their close ad-  
 “ hering to, and early appearing for the then government, and  
 “ the many faithful services they did their country, were  
 “ crimes) I say (said he) if they had got into Scotland, when  
 “ they had boats, barks, and all things else ready for their trans-  
 “ portation, and a great many friends there in arms waiting only  
 “ their coming to join them, it is easy to think, what the conse-  
 “ quence would have been to both these kingdoms ; and these  
 “ Dissenters then were thought fit for command, both civil and  
 “ military, and were no less instrumental in contributing to the  
 “ reducing the kingdom, than any other Protestants : and to pass  
 “ a bill now, to deprive them of their birthrights, (for those their  
 “ good services) would surely be a most unkind return, and the  
 “ worst reward ever granted to a people, so deserving. What-  
 “ ever the Papists may be supposed to have deserved, the Dis-  
 “ senters certainly stand as clean in the face of the present go-  
 “ vernment, as any other people whatsoever ; and if this is all  
 “ the return they are like to get, it will be but a slender encourage-  
 “ ment, if ever occasion should require, for others to pursue their  
 “ examples.

“ By the 15th, 16th, and 17th clauses of this bill, all Papists,  
 “ after the 24th of March, 1703, are prohibited from purchasing  
 “ any houses or tenements, or coming to dwell in Limerick or  
 “ Galway, or the suburbs of either, and even such as were under  
 “ the articles, and by virtue thereof, have ever since lived there,  
 “ from staying there ; without giving such security as neither  
 “ those articles, nor any law heretofore in force, do require, ex-  
 “ cept seamen, fishermen, and day-labourers, who pay not above  
 “ forty shillings a year rent, and from voting for the election of  
 “ members of parliament, unless they take the oath of abjuration,  
 “ which, to oblige them to, is contrary to the 9th of Limerick  
 “ articles, which as aforesaid, says the oath of allegiance, and no  
 “ other shall be imposed upon them, and, unless they abjure their  
 “ religion takes away their advowsons and rights of presenta-  
 “ tion, contrary to the privilege of right, the laws of nations,  
 “ and the great charter of Magna Charta ; which provides,  
 “ that no man shall be disseized of his birthright, without com-  
 “ mitting some crime against the known laws of the land in  
 “ which he is born, or inhabits. And if there was no law in  
 “ force, in the reign of King Charles the Second, against these  
 “ things (as there certainly was not), and if the Roman Ca-  
 “ tholicks of this kingdom have not since forfeited their right

“to the laws that then were in force (as for certain they had not) then with humble submission, all the aforesaid clauses and matters contained in this bill, intituled, an act to prevent the farther growth of Popery, are directly against the plain words and true intent and meaning of the said articles, and a violation of the public faith, and the laws made for their performance ; and what I therefore hope (said he) this honourable house will consider accordingly.”

Counsellor Malone and Sir Stephen Rice, made discourses on the same side ; the latter, not as a counsel, but as a petitioner, likely to be aggrieved by the passing of the said act : but in the course of the reply to the arguments of those gentlemen, it was objected, that they had not demonstrated how and when (since the making of the article of Limerick) the Papists of Ireland had addressed the queen or government, when all other subjects were so doing, or had otherwise declared their fidelity and obedience to the queen.

It was (among other things) observed, that by a proviso at the latter end of the second of those articles, none was to have or enjoy the benefit thereof, that should refuse to take the oath of allegiance.

That any right which the Papists pretended to be taken from them by the bill, was in their power to remedy, by conforming ; as in prudence, they ought to do ; and that they ought not to blame any but themselves.

The next day the bill was ordered to be engrossed and sent to the lords.

The petitioners having applied to the lords also, for leave to be heard by their counsel against the bill, the same was granted, and the same counsel, upon Monday, February 28th, appeared there, and offered such-like arguments as they had made use of in the other house : they told their lordships, it had been objected by the commons, that the passing that bill would not be a breach of the articles of Limerick, as had been suggested ; because, the persons therein comprised were only to be put into the same state they were in the reign of Charles the Second, and because, that in that reign there was no law in force which hindered the passing any other law thought needful for the future safety of the government.

That the commons had further said, that the passing this bill was needful at present, for the security of the kingdom, and that there was not any thing in the articles of Limerick that prohibited their so doing.

It was admitted, on the part of the petitioners, that the legislative power cannot be confined from altering and making such laws as shall be thought necessary, for securing the quiet and



safety of the government ; that in time of war or danger, or when there shall be just reason to suspect any ill designs to disturb the public peace, no articles or previous obligations, shall tie up the hands of the legislators from providing for its safety, or bind the government from disarming and securing any, who may be reasonably suspected of favouring or corresponding with its enemies, or to be otherwise guilty of ill practices : “ or indeed to enact any “ other law,” said Sir Stephen Rice, “ that may be absolutely “ needful for the safety and advantage of the public ; such a law “ cannot be a breach either of these, or any other like articles. “ But then such laws, ought to be in general, and should not “ single out, or affect, any one particular part or party of the “ people, who gave no provocation to any such law, and whose “ conduct stood hitherto unimpeached, ever since the ratification “ of the aforesaid articles of Limerick. To make any law that “ shall single any particular part of the people out from the rest, “ and take from them what had been confirmed to, and intailed “ upon them, will be an apparent violation of the original institution of all right, and an ill precedent, to any that hereafter might “ dislike either the present or any other settlement, which should “ be in their power to alter ; the consequence of which is hard to “ imagine.”

The lord chancellor having summed up all that had been offered at the bar, the house proceeded thereupon ; the bill was read through ; and, to the great mortification of that unhappy party, was passed, and upon the 4th of March obtained the royal assent.

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### NO. LIII.

PROTEST UPON THE SCHISM ACT IN THE BRITISH HOUSE OF  
LORDS....PAGE 200.

WE cannot apprehend (as the bill recites) that great danger may ensue from the Dissenters, to the church and state, because, first by law no Dissenter is capable of a station which can be supposed to render him dangerous.

2d. And since the several sects of Dissenters differ from each other as much as they do from the established church, they can never form of themselves a national church ; nor have they any temptation to set up any one sect among them : for in that case,

all that the other sects can expect, is only a toleration, which they already enjoy by the indulgence of the state ; and therefore, it is their interest to support the established church against any other sect that would attempt to destroy it.

II. If, nevertheless, the Dissenters were dangerous, severity is not so proper and effectual a method to reduce them to the church, as a charitable indulgence, as is manifest by experience, there having been more Dissenters reconciled to the church since the act of toleration, than in all time since the act of uniformity, to the time of the said act of toleration, and there is scarce one considerable family in England in community with the Dissenters : severity may make hypocrites, but not converts.

III. If severity could be supposed ever to be of use, yet this is not a proper time for it, while we are threatened with much greater dangers to the church and nation against which the Protestant-Dissenters have joined, and are still willing to join with us ; by enforcing the laws against them, in a matter which of all others, must most sensibly grieve them, viz. the education of their children ; which reduces them to a necessity either of breeding them in a way they do not approve, or of leaving them without instruction.

IV. This must be the more grievous to the Dissenters, because it was little expected from the members of the established church, after so favourable an indulgence as the act of toleration, and the repeated declarations and professions from the throne, and former parliaments, against all prosecution, which is the peculiar badge of the Roman church, which avows and practises this doctrine : and yet this has not been retaliated even upon the Papists, for all the laws made against them have the effects and just punishment of treasons, from time to time committed against the state : but it is not pretended that this bill is designed as a punishment of any crime which the Protestant-Dissenters have been guilty of against the civil government, or that they are disaffected to the Protestant succession, as by law established, for in this their zeal is very conspicuous.

V. In all the instances of making laws, of a rigid execution of the laws against Dissenters, it is very remarkable, that the design was to weaken the church, and drive them into one common interest with the Papists, and to join them in measures tending to the destruction of it. This was the method suggested by Popish counsels, to prepare them for the two successive declarations in the time of King Charles II. and the following one issued by King James II. to ruin all our civil and religious rights : and we cannot think that the arts and contrivances of the Papists to subvert our church, are proper means to preserve it, especially at a time

when we are in more danger of Popery than ever, by the designs of the pretender, supported by the mighty power of the French king, who is engaged to extirpate our religion, and by great numbers in this kingdom, who are professedly in his interest.

VI. But if the Dissenters should not be provoked by this severity, to concur in the destruction of their country and the Protestant religion, yet we may justly fear they may be driven by this bill from England, to the great prejudice of our manufactures, for, as we gained them by the persecution abroad, so we may lose them by the like proceedings at home.

Lastly, The miseries we apprehend here, are greatly enhanced by extending this bill to Ireland, where the consequences of it may be fatal ; for since the number of Papists in that kingdom far exceeds the Protestants of all denominations together, and that the Dissenters are to be treated as enemies, or at least, as persons dangerous to that church and state, who have always, in all times, joined, and still would join, with the members of that church, against the common enemy of their religion ; and, since the army there is very much reduced, Protestants, thus unnecessarily divided, seem to us to be exposed to the danger of another massacre, and the Protestant religion in danger of being extirpated.

And we may farther fear that the sects in Britain, whose national church is Presbyterian, will not so heartily and zealously join with us in our defence, when they see those of the same nation, same blood, and same religion, so hardly treated by us.

And this will be still more grievous to the Protestant-Dissenters in Ireland, because whilst the Popish priests are registered, and so indulged by law, as that they exercise their religion without molestation, that the laws are by this bill enforced against them.

Somerset, Dorchester, Scarborough, Nottingham, Halifax, W. Lincoln, Dorset and Middlesex, Sunderland, Bolton, Grafton, Cornwallis, Foley, Devonshire, Lincoln, Somers, Montagu, Radnor, W. Asaph, Townshend, Orford, Rockingham, Shomberg and Lempster, J. Banger, De Longueville, J. Landaff, Cowper.



## No. LIV.

## TO THE KING'S MOST EXCELLENT MAJESTY,

THE HUMBLE ADDRESS OF THE KNIGHTS, CITIZENS, AND BURGESSES IN PARLIAMENT ASSEMBLED.....PAGE 207.

*MOST GRACIOUS SOVEREIGN,*

YOUR majesty's most dutiful and loyal subjects, the commons of Ireland in parliament assembled, beseech your majesty to believe, that as none of your subjects suffered in their estates, lives, liberties, and properties, under a late Popish prince and ministry, in a greater degree than your Protestant subjects of this kingdom, so none can be more resolutely determined, to the utmost of their power, to support and defend your majesty's rightful and lawful title to the crown against the Pretender and his adherents.

The supplies which we have already given, the association we have entered into, and the resolution which your truly faithful commons have unanimously taken, upon the first intimation of the Pretender's being landed in North Britain, that whatever forces your majesty should think fit to raise, or whatever expence your majesty should think necessary for the defence of the kingdom, this house would enable your majesty to make good the same, will, we hope be accepted by your majesty as the most convincing proofs of our being entirely and affectionately devoted to your service, and of our having no view of safety or happiness but from your government and protection.

And as your loyal commons have already done, and resolve still to do, whatever may appear further necessary to defeat the designs of the Pretender and his friends, so they think themselves indispensably obliged, in discharge of that duty, to lay before your sacred majesty and their country the means by which the cause of the Pretender has been promoted in this kingdom, and to point out to your majesty the chief authors of those pernicious and dangerous counsels, which had brought your majesty's succession and the Protestant interest in this kingdom into the most imminent danger. Your faithful commons do therefore humbly take leave to acquaint your majesty, that soon after the meeting of the late parliament in this kingdom, the then House of Commons received information, that many Irish Papists had been,

and continued to be daily shipped off from Dublin, and other ports, for the service of the Pretender; which traitorous practice, and the remissness observed in discovering or preventing it, together with the countenance shewn to those, who were remarkable for nothing but their disaffection to your majesty's succession and the late happy revolution, made such an impression on that truly loyal House of Commons, that they humbly addressed the late queen to remove one of the great supporters of the Pretender's interest in this kingdom out of her service, and also ordered heads of a bill to be brought in to attain the Pretender of high treason, which was soon after done; but the house was prevented proceeding thereon by an unseasonable prorogation, notwithstanding they had, with great unanimity and cheerfulness, granted such supplies as were desired for the support of the government.

That parliament being prorogued in so unusual a manner, and for no other reason, that your commons can apprehend, but the warm zeal they expressed for your majesty's succession, and their resolution to enquire into, and, as far as in them lay, to prevent the designs of those who endeavoured to defeat it; the next step taken was to advise her late majesty to break a great part of her army in this kingdom, which was accordingly done in an extraordinary manner, several regiments being broke, without any regard to their services, or the dates of their commission, and chiefly, as we conceive, for the steady adherence to your majesty's interest and known aversion to the Pretender.

Your faithful commons do, therefore, humbly offer it to your majesty as their unanimous opinion, that the persons, who advised the irregular breaking of a great part of the army in this kingdom, immediately after the unseasonable prorogation of the late parliament; when heads of a bill to attain the Pretender were under consideration of the then House of Commons, were enemies to the Protestant succession, and designed to bring in the Pretender and popery.

And as we have presumed to inform your majesty of some of the many steps, which were taken to accomplish those traitorous designs, so we cannot, without unfaithfulness to your majesty, and those whom we represent, forbear to acquaint your majesty, that your commons, considering the whole conduct of the Right Honourable Arthur Earl of Anglesey, and the great influence he had in the management of the affairs in this kingdom, are humbly of opinion, that the said Arthur Earl of Anglesey was one of the principal advisers of her late majesty to break a great part of the army, and prorogue the late parliament in this kingdom, and therein gave pernicious counsel to her majesty, and is an enemy to your majesty and the Protestant interest of Ireland.

Your loyal commons do therefore, most humbly and earnestly entreat your majesty, that you will be graciously pleased, for the security of your government and this nation, to remove, at this critical juncture, the said Arthur Earl of Anglesey from your council and office of one of the vice-treasurers in this kingdom.

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NO. LV.

THE SENTIMENTS OF A CHURCH-OF-ENGLAND-MAN WITH RESPECT  
TO GOVERNMENT, BY DR. JONATHAN SWIFT....PAGE 210.

WE look upon it as a very just reproach, though we cannot agree where to fix it, that there should be so much violence and hatred in religious matters among men who agree in all fundamentals, and only differ in some ceremonies, or, at most, mere speculative points. Yet is not this frequently the case between contending parties in a state? For instance, do not the generality of *Whigs* and *Tories* among us profess to agree in the same *fundamentals*; their loyalty to the king, their abjuration of the *pretender*, the settlement of the crown in the Protestant line, and a revolution-principle? their affection to the church established, with toleration of Dissenters? Nay, sometimes they go farther, and pass over into each others principles; the *Whigs* become great asserters of the prerogatives, and the *Tories*, of the people's liberty; these crying down almost the whole set of bishops, and those defending them: so that the differences fairly stated, would be much of a sort with those in religion among us, and amount to little more than *who should take place*, or *go in and out first*, or *kiss the king's hand*: and what are these but a few *court-ceremonies*? or, *who should be in the ministry*; and what is that to the body of the nation, but a mere *speculative point*? Yet I think it must be allowed, that no religious sects ever carried their mutual aversions to greater heights than our state-parties have done, who, the more to inflame their passions, have mixed religious and civil animosities together; borrowing one of their appellations from the church, with the addition of *high* and *low*, how little soever their disputes relate to the term, as it is generally understood.

I now proceed to deliver the sentiments of a *church-of-England-man*, with respect to government.

He doth not think the church of England so narrowly calculated, that it cannot fall in with any regular species of govern-



ment; nor doth he think *any one regular species of government more acceptable to God than another*. The three generally received in the *schools* have, all of them, their several perfections, and are subject to their several depravations. However, few states are ruined by any defect in their institution, but generally by the *corruption of manners*, against which the *best institution* is *no longer a security*, and without which a very ill one may subsist and flourish; whereof there are two pregnant instances now in Europe. The first is the *aristocracy* of Venice; which founded upon the wisest maxims, and digested by a great length of time, hath in our age admitted so many abuses, through the degeneracy of the nobles, that the period of its duration seems to approach.

The other is the united republic of the *States-General*, where a vein of temperance, industry, parsimony, and a public spirit running through the whole body of the people, hath preserved an infant commonwealth of an untimely birth and sickly constitution, for above an hundred years, through so many dangers and difficulties, as a much more healthy one could have never struggled against without those advantages.

Where security of person and property are preserved by laws, which none but the *whole* can repeal, there the great ends of government are provided for, whether the administration be in the hands of *one* or of *many*. Where any one *person* or *body* of men, who do not represent the *whole*, seize into their hands the power in the last resort, there is properly no longer a government, but what Aristotle and his followers call the *abuse* and *corruption* of one. This distinction excludes arbitrary power, in whatever numbers; which, notwithstanding all that Hobbes, Filmer, and others, have said to its advantage, I look upon as a greater evil than *anarchy* itself; as much as a *savage* is in a happier state of life, than a *slave* at the oar.

It is reckoned ill manners, as well as unreasonable, for men to quarrel upon difference in opinion; because that is usually supposed to be a thing which no man can help in himself. But this I do not conceive to be an universal infallible maxim, except in those cases where the question is pretty equally disputed among the learned and the wise. Where it is otherwise, a man of tolerable reason, some experience, and willing to be instructed, may apprehend he has got into a wrong opinion, though the whole course of his mind and inclination would persuade him to believe it true: he may be convinced that he is in an error, though he does not see where it lies, by the bad effects of it in the common conduct of his life, and by observing those persons, for whose wisdom and goodness he hath the greatest deference, to be of a contrary sentiment. According to Hobbes's comparison of *reasoning* with

*casting up accounts*, whoever finds a mistake in the *sum total* must allow himself out, though, after repeated trials, he may not see in which article he has misreckoned. I will instance in one opinion, which I look upon every man obliged in conscience to quit, or in prudence to conceal; I mean, that whoever argues in defence of absolute power in a single person, though he offers the old plausible plea, that *it is his opinion, which he cannot help, unless he be convinced*, ought in all free states to be treated as the common enemy of mankind. Yet this is laid as a heavy charge upon the *clergy* of the two reigns before the *revolution*, who, under the terms of *passive obedience* and *non-resistance*, are said to have preached up the unlimited power of the prince, because they found it a doctrine that pleased the court, and made way for their preferment. And I believe, there may be truth enough in this accusation to convince us, that human frailty will too often interpose itself among persons of the holiest function. However, it may be offered in excuse for the clergy, that in the best societies there are some ill members, which a corrupted court and ministry will industriously find out and introduce. Besides, it is manifest, that the greater number of those who held and preached this doctrine, were misguided by equivocal terms, and by perfect ignorance in the principles of government, which they had not made any part of their study. The question originally put, and as I remember to have heard it disputed in public schools, was this, *Whether, under any pretence whatsoever, it may be lawful to resist the supreme magistrate?* which was held in the negative; and this is certainly the right opinion. But many of the clergy, and other learned men, deceived by a dubious expression, mistook the *object* to which *passive obedience* was due. By the *supreme magistrate* is properly understood the *legislative* power, which in all governments must be absolute and unlimited. But the word *magistrate* seeming to denote a *single person*, and to express the *executive* power, it came to pass, that the obedience due to the *legislature* was for want of knowing or considering this easy distinction, misapplied to the *administration*. Neither is it any wonder, that the clergy or other well-meaning people should fall into this error which deceived Hobbes himself so far, as to be the foundation of all the political mistakes in his books; where he perpetually confounds the *executive* with the *legislative* power; though all well instituted states have ever placed them in different hands; as may be obvious to those, who know any thing of Athens, Sparta, Thebes, and other republics of Greece, as well as the greater ones of Carthage and Rome.

Besides, it is to be considered, that when these doctrines began to be preached among us, the kingdom had not quite worn out the memory of that horrid *rebellion*, under the consequences

of which it had groaned almost twenty years. And a *weak prince*, in conjunction with a succession of most prostitute ministers, began again to dispose the people to new attempts, which it was, no doubt, the clergy's duty to endeavour to prevent ; though some of them, for want of knowledge in temporal affairs, and others, perhaps, from a worse principle, proceeded upon a topic, that, strictly followed, would enslave all mankind.

Among other theological arguments made use of in those times in praise of monarchy, and justification of absolute obedience to a prince, there seemed to be one of a singular nature. It was urged, that *heaven* was governed by a *monarch*, who had none to controul his power, but was absolutely obeyed : then it followed, that earthly governments were the more perfect, the nearer they imitated the government in heaven. All which I look upon as the strongest argument against *despotic* power that ever was offered ; since no reason can possibly be assigned, why it is best for the world, that God Almighty hath such a power, which doth not directly prove that no mortal man should ever have the like.

But though a *church-of-England-man* thinks every species of government equally *lawful*, he does not think them equally *expedient* ; or for every country indifferently. There may be something in the climate, naturally disposing men towards one sort of obedience ; as it is manifest all over *Asia*, where we never read of any commonwealth, except some small ones on the western coasts established by the Greeks. There may be a great deal in the situation of a country, and in the present *genius* of the people. It hath been observed, that the temperate climates usually run into moderate governments, and the extremes into despotic power. It is a remark of Hobbes, that the youth of England are corrupted in their principles of government, by reading the authors of Greece and Rome, who writ under commonwealths. But it might have been more fairly offered for the honour of liberty, that while the rest of the known world was over-run with the arbitrary government of single persons, *arts* and *sciences* took their rise, and flourished, only in those few small territories where the people were *free*. And though *learning* may continue after *liberty* is lost, as it did in Rome, for a while, upon the foundations laid under the commonwealth, and the particular patronage of some emperors, yet it hardly ever began under a *tyranny* in any nation : because *slavery* is, of all things, the greatest clog and obstacle to *speculation*. And, indeed, arbitrary power is but the first natural step from *anarchy*, or the *savage life* ; the adjusting *power* and *freedom* being an effect and consequence of maturer thinking : and this is no where so duly regulated as in a limited monarchy ; because I believe it may pass for a maxim in state, that *the administration cannot be placed in too few*



*lands*, nor the *legislature* in too many. Now, in this material point the constitution of the English government far exceeds all others at this time on the earth ; to which the present establishments of the *church* doth so happily agree, that, I think, whoever is an enemy to *either*, must of necessity be so to *both*.

He thinks as our monarchy is constituted, an *hereditary* right is much to be preferred before *election*: because the government here, especially by some late amendments, is so regularly disposed in all its parts, that it almost *executes* itself ; and therefore, upon the death of a prince among us, the administration goes on without any rub or interruption. For the same reasons, we have less to apprehend from the *weakness* or *fury* of our monarchs, who have such wise councils to guide the first, and laws to restrain the other. And therefore this hereditary right should be kept so sacred, as never to break the succession, unless where the preserving it may endanger the constitution ; which is not from any intrinsic merit or unalienable right in a *particular family*, but to avoid the consequences that usually attend the ambition of competitors, to which elective kingdoms are exposed ; and which is the only obstacle to hinder them from arriving at the greatest perfection that government can possibly reach. Hence appears the absurdity of that distinction between a king *de facto* and one *de jure*, with respect to us. For every *limited* monarch is a king *de jure* ; because he governs by the consent of the *whole*, which is authority sufficient to abolish all precedent right. If a king come in by *conquest*, he is no longer a *limited* monarch ; if he afterwards consent to limitations, he becomes immediately king *de jure*, for the same reason.

The great advocates for *succession*, who affirm it ought not to be violated upon any regard or consideration whatsoever, do insist much upon one argument, that seems to carry little weight. They would have it, that a *crown* is a prince's birth-right, and ought at least to be as well secured to him and his posterity, as the inheritance of any private man ; in short, that he has the same title to his kingdom, which every individual has to his property. Now, the consequence of this doctrine must be, that as a man may find several ways to waste, mis-spend, or abuse his patrimony, without being answerable to the laws ; so a king may in like manner do what he will with *his own* ; that is, he may squander and misapply his revenues, and even alienate the crown, without being called to an account by his subjects. They allow such a prince to be guilty indeed of much folly and wickedness ; but for these he is *answerable to God*, as every private man must be that is guilty of mismanagement in his own concerns. Now, the folly of this reasoning will best appear, by applying in it a parallel case. Should any man argue, that a physician is supposed to

understand his own art best ; that the law protects and encourages his profession ; and therefore, although he should manifestly prescribe *poison* to all his patients, whereof they should immediately die, he cannot be justly punished, but is answerable only to God : or should the same be offered in behalf of a divine, who would preach against religion and moral duties : in either of these two cases every body would find out the sophistry, and presently answer, that although common men are not exactly skilled in the composition or application of medicines, or in prescribing the limits of duty ; yet the difference between *poisons* and *remedies* is easily known by their effects ; and common reason soon distinguishes between *virtue* and *vice* : and it must be necessary to forbid both these the further practice of their professions, because their crimes are not purely personal to the physician or the divine, but destructive to the public. All which is infinitely stronger in respect to a prince, in whose good or ill conduct the happiness or misery of a whole nation is included : whereas it is of small consequence to the public, farther than example, how any private person manageth his property.

But granting that the right of a lineal successor to a crown were upon the same foot with property of a subject ; still it may at any time be transferred by the legislative power, as other properties frequently are. The supreme power in a state can *do no wrong* ; because whatever that doth, is the action of all ; and when the *lawyers* apply this maxim to the *king*, they must understand it only in that sense, as he is administrator of the supreme power : otherwise it is not universally true, but may be controlled in several instances, easy to produce.

And these are the topics we must proceed upon to justify our exclusion of the young *pretender* in France ; that of his suspected birth being merely popular, and therefore not made use of, as I remember, since the revolution, in any speech, vote, or proclamation, where there was occasion to mention him.

As to the *abdication* of King James, which the advocates on that side look upon to have been forcible and unjust, and consequently void in itself, I think a man may observe every article of the English church, without being in much pain about it. It is not unlikely, that all doors were laid open for his departure, and perhaps not without the privity of the Prince of Orange ; as reasonably concluding, that the kingdom might be better settled in his absence. But to affirm he had any cause to apprehend the same treatment with his *father*, is an improbable scandal flung upon the nation by a few bigotted French scribblers, or the invidious assertion of a ruined party at home in the bitterness of their souls ; not one material circumstance agreeing with those in 1648 ; and the greatest part of the nation having preserved

the utmost horror for that ignominious *murder*. But whether his removal were caused by his own *fears*, or other men's *artifices*, it is manifest to me, that, supposing the throne to be vacant, which was the foot the nation went upon, *the body of the people was there-upon left at liberty to chuse what form of government they pleased, by themselves, or their representatives.*

The only difficulty of any weight against the proceedings at the revolution, is an obvious objection, to which the writers upon that subject have not yet given a direct or sufficient answer ; as if they were in pain at some consequences, which they apprehend those of the contrary opinion might draw from it. I will repeat this objection as it was offered me some time ago ; with all its advantages, by a very pious, learned, and worthy gentleman of the non-juring party.\*

The force of his argument turned upon this, that the laws made by the supreme power cannot otherwise than by the supreme power be annulled ; that this consisting in England of a king, lords, and commons, whereof each have a negative voice, no two of them can repeal or enact a law, without consent of the third ; much less may any one of them be entirely excluded from its part of the legislature by a *vote* of the other two : that all these maxims were openly violated at the revolution ; where an assembly of the *nobles* and *people*, not summoned by the king's writ, (which was an essential part of the constitution,) and consequently no lawful meeting, did, merely upon their own authority, declare the king to have abdicated the throne vacant ; and gave the crown by vote to a *nephew*, when there were three children to inherit ; though by the fundamental laws of the realm the next heir is immediately to succeed. Neither doth it appear, how a prince's *abdication* can make any other sort of vacancy in the throne, than would be caused by his death ; since he cannot abdicate for his children, (who claim their right of succession by act of parliament), otherwise than by his own consent, in form, to a bill from the two houses.

And this is the difficulty that seems chiefly to stick with the most reasonable of those, who, from a mere scruple of conscience, refuse to join with us upon the revolution-principle ; but for the rest are, I believe, as far from loving arbitrary government as any others can be, who are born under a free constitution, and are allowed to have the least share of common good sense.

In this objection there are two questions included, First, Whether, upon the foot of our constitution, as it stood in the reign of the late king James, a king of England may be deposed? The second is, Whether the people of England, convened by

\* Mr. Nelson, author of the Feasts and Fasts of the Church of England.



their own authority, after the king had withdrawn himself in the manner he did, had power to alter the succession?

As for the first, it is a point I shall not presume to determine; and shall therefore only say, that to any man who holds the negative, I would demand the liberty of putting the case as strongly as I pleased. I will suppose a prince limited by laws like ours, yet, running into a thousand caprices of cruelty, like Nero or Calligula; I will suppose him to murder his mother and his wife; to commit incest, to ravish matrons, to blow up the senate, and burn his metropolis; openly to renounce God and Christ, and worship the Devil; these, and the like exorbitancies, are in the power of a single person to commit without the advice of a ministry, or assistance of an army. And if such a king as I have described, cannot be deposed but by his own consent in parliament, I do not well see how he can be *resisted*; or what can be meant by a *limited* monarchy; or what signifies the people's consent in making and repealing laws, if the person who administers hath no tie but conscience, and is answerable to none but God. I desire no stronger proof that an opinion must be false, than to find very great absurdities annexed to it; and there cannot be greater than in the present case; for it is not a bare speculation, that kings may run into such enormities as are above mentioned; the practice may be proved by examples, not only drawn from the first Cæsars, or latter emperors, but many modern princes of Europe: such as Peter the Cruel, Philip II. of Spain, John Basilovits of Muscovy: and, in our own nation, King John, Richard III. and Henry VIII. But there cannot be equal absurdities supposed in maintaining the contrary opinion; because it is certain, that princes have it in their power to keep a majority on their side by any tolerable administration, till provoked by continual oppressions; no man indeed can then answer where the madness of the people will stop.

As to the second part of the objection, Whether the people of England convened by their own authority, upon King James's precipitate departure, had power to alter the succession.

In answer to this, I think it is manifest from the practice of the wisest nations, and who seem to have had the truest notions of freedom, that when a prince was laid aside for mal-administration, the *nobles* and *people*, if they thought it necessary for the public weal, did resume the administration of the supreme power, (*the power itself having been always in them*), and did not only alter the succession, but often the very form of government too: because they believed there was no natural right in *one man to govern another*, but that *all* was by *institution, force, or consent*. Thus, the cities of Greece, when they drove out their tyrannical kings, either chose others from a new family, or abolished the

kingly government, and became free states. Thus the Romans, upon the expulsion of Tarquin, found it inconvenient for them to be subject any longer to the *pride*, the *lust*, the *cruelty* and *arbitrary will* of single persons; and therefore, by *general consent*, entirely altered the whole frame of their government. Nor do I find the proceedings of either, in this point, to have been condemned by any historian of the succeeding ages.

*But a great deal hath been already said by other writers upon this invidious and beaten subject; therefore I shall let it fall; though the point is commonly mistaken, especially by the lawyers; who of all others seem least to understand the nature of government in general; like under-workmen, who are expert enough at making a single wheel in a clock, but are utterly ignorant how to adjust the several parts, or regulate the movements.*

To return, therefore, from this digression: It is a church-of-England-man's opinion, that the freedom of a nation consists in an absolute unlimited legislative power wherein the whole body of the people are fairly represented, and in an executive duly limited; because on this side likewise there may be dangerous degrees, and a very ill extreme. For when two parties in a state are pretty equal in power, pretensions, merit, and virtue, (for these two last are, with relation to parties and a court, quite different things), it hath been the opinion of the best writers upon government, that a prince ought not in any sort to be under the guidance or influence of either; because he declines by this means, from his office of presiding over the whole, to be the head of a party: which, besides the indignity, renders him answerable for all public mismanagements, and the consequences of them; and in whatever state this happens, there must either be a weakness in the prince or ministry, or else the former is too much restrained by the nobles, or those who represent the people.

To conclude: A church-of-England-man may, with prudence and a good conscience, approve the professed principles of one party more than the other, according as he thinks they best promote the good of church and state; but he will never be swayed by passion or interest to advance an opinion, merely because it is that of the party he most approves; which one single principle he looks upon as the root of all our civil animosities. To enter into a party, as into an order of Friars, with so resigned an obedience to superiors, is very unsuitable both with the civil and religious liberties we so zealously assert. Thus the understandings of a whole senate are often enslaved by three or four leaders on each side; who, instead of intending the public weal, have their hearts wholly set upon ways and means how to get or to keep employments. But, to speak more at large, how has this spirit of fact mingled itself with the mass of the people, changed their nature and manners, and the very genius of the nation? broke all the laws of

*charity, neighbourhood, alliance, and hospitality, destroyed all ties of friendship, and divided families against themselves?* And no wonder it should be so, when, in order to find out the character of a person, instead of enquiring whether he be a man of virtue, honour, piety, wit, good sense, or learning; the modern question is only, Whether he be a *Whig* or a *Tory*? under which terms all good and ill qualities are included.

Now, because it is a point of difficulty to chuse an exact middle between two ill extremes, it may be worth enquiring, in the present case, which of these a wise and good man would rather seem to avoid. Taking therefore their own good and ill characters, with due abatements and allowances for partiality and passion, I should think, that, in order to preserve the constitution entire in church and state, whoever hath true value for both would be sure to avoid the extremes of *Whig* for the sake of the former, and the extremes of *Tory* on account of the latter.

I have now said all that I could think convenient upon so nice a subject, and find I have the ambition with other common reasoners, to wish at least that both parties may think me *in the right*; which would be of some use to those who have any virtue left, but are blindly drawn into the extravagancies of either, upon false representations, to serve the ambition or malice of designing men, without any prospect of their own. But if that is not to be hoped for, my next wish should be, that both might think me *in the wrong*: which I would understand as an ample justification of myself, and a sure ground to believe, that I have proceeded at least with impartiality, and perhaps with truth.

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## NO. LVI.

THE LATE DUKE OF LEEDS'S REASONS FOR PROTESTING AGAINST  
A VOTE OF THE HOUSE OF LORDS IN ENGLAND, WHICH DECLAR-  
ED A TRIAL BEFORE THE HOUSE OF LORDS IN IRELAND TO BE  
*CORAM NON JUDICE*.....PAGE 216.

I. BECAUSE upon the conquest of Ireland by Henry the Second, he introduced the laws of England into that kingdom, and sent them over the *modus tenendi parlamenta, in terminis*, the same with that of England: in which record it is said, that such things may be examined and corrected *in pleno parlamento et non alibi*.

II. Because in the 30th year of King Henry the Third it was provided, that all the laws and customs which are enjoyed in



England shall be in Ireland, and the said lands shall be subject thereto, and governed thereby, *sicut Dominus Johannes cum ultimo esset in Hibernia statuit et fieri mandavit ; et quod omnia brevia de communi jure quæ currunt in Anglia similiter currant in Hibernia.*

III. Because it appears by other antient records, *Quod terra Hiberniæ, intra se habet omnes et omnimodas curias prout in Anglia.*

IV. Because King Edward the Third, in the 29th year of his reign, ordained, for the quiet and good government of the people of Ireland, that all cases whatsoever, errors in judgments, records, and process in the courts of Ireland, shall be corrected and amended in the parliament of Ireland.

V. Because a conqueror, by the laws of England, and of nations, having power to introduce what laws he will in the conquered country : And Henry the Second, pursuant to that power, having introduced the laws of England, and particularly that of holding parliaments in Ireland, the House of Lords in parliament in Ireland, may proceed to hear and determine judiciously such matters, which shall be brought before them, in the same manner as the lords in parliament in England.

VI. Because, pursuant to many concessions made by King Henry the Second, King John, King Henry the Third, and other kings of England, the lords of parliament of Ireland have proceeded to correct and amend errors in judgment, and decrees in the courts of Ireland ; as appears by the several precedents certified over to your lordships, and their judgments never before called in question : many of them being irregular, and therefore presumed to have been by a good and lawful jurisdiction ; otherwise they would have been, by our ancestors, who were zealous asserters of their rights, long before this, called in question.

VII. The order declaring, that the appeal was, *coram non judice*, and null and void, will call all other judgments and decrees in question, under which many estates have been purchased, settled, and enjoyed, which will be of fatal consequences to many families, and create discontent and dissatisfaction in that kingdom.

VIII. Because the declaring the said appeal to be *coram non judice*, and null and void, strikes at and tends to the destruction of this house : for Ireland having *omnes et omnimodas curias prout in Anglia*, must include the high court of parliament ; and being an exact picture of the high court of parliament in England, if they cannot judicially hear and determine appeals, writs of error, and impeachments, it may be from thence alledged we cannot here.

IX. Because the peers of Ireland had little else left them but their judicature, which, if taken away, will be of little esteem there, many of the peers of England having some of their titles of honor from that kingdom.

X. Because this resolution strikes at and abridges the king's prerogative in Ireland : all appeals and writs of error in parliament being *coram rege in parlamento*. And therefore these words, *coram non iudice*, take from the king the judicial power, which is given him there.

XI. Because it is the glory of the English laws and the blessing attending the Englishmen, that they have justice administered at their doors, and not to be drawn, as formerly, to Rome by appeals, which greatly impoverished the nation : and by this order, the people of Ireland must be drawn from Ireland hither, whensoever they receive any injustice from the chancery there, by which means poor men must be trampled on, as not being able to come over to seek justice.

XII. The danger of altering, changing, or lessening a constitution (for above five hundred years unshaken, or so much as called in question,) in any one thing, the custom and usage of courts being the law of courts, may occasion the destruction of the whole. The judicial power of the House of Peers of Ireland, in criminal causes, by way of impeachment, and otherwise, may, by the same reason, be called in question, as their judicature in civil causes, which will encourage evil disposed men, especially those in employment in that kingdom, who are generally very arbitrary, to act wickedly : and the better we preserve the constitution of Ireland, and of the Plantations dependent on England, the better we shall preserve our own ; and they will be a barrier to ours, to prevent any invasions of theirs. And since the kings of England have, in all times in matters relating to the revenue, made their grants, by letters patent, and not only impowered the parliament of Ireland to hear, correct, reform, and amend them, but also acquiesced in their judgments, it ought not now to be questioned.

XIII. Because this taking away the jurisdiction of the House of Lords in Ireland, may be the means to disquiet the Lords there, and disappoint the king's affairs :

XIV. Because the judicial power of the house of Lords of Ireland is, in no respect, altered by an act of parliament. The statute of the 10th of Henry 7th, cap. 4. called Poyning's Law, only directs a new form of passing bills into laws, but alters nothing of the judicial power ; but neither allows or enables them to make the laws as they please ; and this will as well hold against the jurisdiction of this House, which ought not to be suffered.

LEEDS.













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